



*Opponent Testimony Provided to the
Senate Utilities Committee
March 23, 2021*

In Opposition to Senate Bill 279

Good afternoon Chairman Thompson, Vice Chairman Petersen, Ranking Member Francisco and members of the committee. Thank you for allowing me to appear before you in opposition to Senate Bill 279.

Mr. Chairman, I am here today on behalf of the Advanced Power Alliance because I help them around Kansas, attending community and county meetings and sharing my experience with renewable energy development.

Part of my experience stems from my own home county of Ellsworth and our wind farms, which were some of the earliest in the state. Those wind farms were not universally accepted: we had contentious public meetings and there were definitely groups that supported the project and groups that opposed. Furthermore, in the case of our county both groups were a quality representation of people that had been a part of the community and area for a long time – this was not a case of outsiders vs local farmers.

But if there is one thing Kansans appreciate more than a spirited public debate it is private property rights, and Ellsworth County eventually came down on the established side that landowners ought to have the right to do with their property as they choose.

Part of my experience also stems from my time working for the Federal Government, where I saw firsthand the technology used to measure criteria pollutants such as PM 2.5 and PM 10. Gaining a measurement that is enforceable by law is very difficult and required teams of scientists constantly updating the equipment.

This 12-page bill has an entire page devoted to placing – in statute, which is the least flexible site for it – language spelling out how the sound is supposed to be measured for the decibel maximum required in this bill.

I'm not sure where this language was sourced, but I can tell you that if they aren't already, these technologies and methods will be obsolete in the blink of an eye, and make no sense to include in Kansas Statute.

Furthermore, does the state really want to go down the road of regulating noise? SB 279 designates a decibel level of 40 – a gunshot is between 120-140 decibels. If the state establishes precedent that neighbors deserve “peace and quiet”, how long do you think it will be before someone asks the state to apply the same decibel rules to gunshots because those gunshots destroy “rural peace and tranquility”?

Our farm in Ellsworth has two stripper wells on it – stripper wells are wells that produce around a barrel of oil a day, so they aren’t very productive. Both those wells illuminate how I feel about a landowner’s capacity to live and work around energy extraction. The first had a major spill of saltwater brine when I was a child – the brine ruined our best fishing pond for years. But it wasn’t permanent – the pond has recovered and only a trained eye would ever know where the problem occurred. The second stripper well had the sort of engine that only fired on the downstroke, and even then misfired frequently. The arrhythmic banging echoed through the valley, which included several close neighbors. None of them ever complained, because when you live in the country and you respect your neighbor’s property rights, you know what that sound is: “That’s the sound of money.” No different than a feedlot “smelling like money” to the thousands of people that depend on it and its associated economic development.

The wind farms in Ellsworth County have been a great benefit to the local economy. As the rest of agriculture struggled under depressed commodity prices, our farmers with wind turbines continued buying new equipment, which kept our equipment dealers open. This latest repowering of the Ellsworth projects occurred while the economy was shut down for the pandemic, and made an enormous difference for our handful of food vendors and restaurants.

Most importantly, I watched families that had struggled for generations on tough ground and poor soil have a chance at some financial independence. They didn’t go out and buy new private jets – but they did put on new kitchens to their homes, or updated their modest cars to a newer version of the same modest car. The financial security provided to that swath of the county is without a doubt the largest event that occurred during my tenure in the Kansas Legislature, and the decision to approve that wind farm happened right where it needed to: at the county level.

Thank you for your consideration and I will be happy to stand for questions.