

Before the Senate Utilities Committee
Presented by Zack Pistora, Kansas Sierra Club
Written-only Opponent Testimony on SB 323
January 26th, 2022



Chairman Thompson and Honorable Members of the Committee,

Thank you for the opportunity to provide written remarks to oppose SB 323, cited as the “Kansas energy lease disclosure act.” This bill establishes numerous requirements solely for wind and solar leases or easements, including messaging encouraging acquisition of legal counsel, time limits for unpaid lease arrangements, restrictions on property activities including paid access for hunting, and more. As one of Kansas’ largest organizations concerned with environmental issues statewide, the Kansas Chapter of Sierra Club is concerned that SB 323 provides an unnecessary and inappropriate chilling effect on clean energy development in Kansas, causing further delay or totally negating our opportunities to achieve positive benefits from clean energy development for both our ecosystems, our economy, and social equity. Therefore, we urge you to oppose SB 323 and similar legislation targeting renewables.

For a bill titled the “Kansas energy lease disclosure act,” it is peculiar this bill only applies to wind and solar.

Other businesses in the energy industry, such as oil and gas interests, engage in leasing and easement arrangements with private landowners too. Yet, SB 323 does not provide for any requirements to apply to those entities. If disclosure is the real intention here, then this bill should apply to all energy interests that engage in these activities. We certainly know that Kansans are as affected, if not more, by oil and gas operations across the state, especially when it comes to water contamination, air emissions, induced seismicity, abandoned wells, and more. Thus, SB 323 unfairly discriminates against renewable energy when other energy leasing equally applies.

Does the Legislature really want the State to micromanage the business arrangements between property owners and the private sector?

Over the last decade, the Kansas Legislature and government leaders have respected (or even cherished) the opportunity of businesses and individuals to engage in free market enterprise under existing law. SB 323 departs from this traditional position by imposing very specific stipulations upon these private arrangements with property owners.

The Kansas Sierra Club encourages all lawmakers and concerned Kansans not to take for granted the overwhelming benefits that renewable power provides for our state. Our state’s current role in cultivating clean, renewable energy is of importance and benefit on all levels.

Kansas has a unique advantage among states in the abundance of renewable resources that could be harvested to help our property owners, state economy, local communities, and ecosystems. With dozens of wind projects and hundreds of solar installations in the last two decades, Kansas has been able to attract *billions* of dollars in economic investment, millions of dollars in direct lease payments to property owners and donations to communities, creating thousands of direct and indirect jobs, and strengthening our energy system with the availability of long-lasting, clean, low-cost electricity. We must embrace our opportunity to do what we can to help urgently transition our state and nation’s energy portfolio to mitigate the severe impacts of climate change that have become ever so clear and dangerous, especially to our agricultural industry. The Legislature would be foolish to enact surgical, state mandates like SB 323 to obstruct the good that comes with clean energy development and climate action.

In conclusion, wind and solar development can provide important opportunities for property owners, host communities, and Kansas as a whole. SB 323 unfairly isolates the wind and solar industry in these regulations, likely causing a chilling effect on an enterprise that has been wholly good for Kansas.

Thank you,

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The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for more than forty years.