



KANSAS
ASSOCIATION OF
COUNTIES

715 SW 10th Avenue • Topeka, KS 66612
785-272-2585 • www.kansascounties.org

Senate Utilities Committee
February 10, 2022
Senate Bill 353

Kansas Association of Counties
Neutral Testimony

Chairman Thompson and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer testimony on SB 353, which would establish setback and construction rules for wind energy projects in the state of Kansas.

KAC has held that the decision of whether or not to have wind energy projects in a county is a local decision for the local officials to consider, and for individual landowners to decide whether to participate or not.

There are already more than two dozen counties in Kansas that have wind energy facilities in operation. Those projects should be grandfathered from these new requirements. The language of the bill states “no facility shall be constructed...” but it should be clear that existing facilities are exempt from this legislation to avoid unintended consequences.

Section 1(b)(5)(F)(ii)(c) of the bill states that counties would be able to access the standby letter of credit, performance bond, surety bond or unconditional payment guaranty if the facility has not generated electricity in the previous 24 months in order to decommission the facility. It is unclear from the bill how counties would go about decommissioning these facilities, as that is not within the normal purview of county operations.

KAC would ask that the committee carefully consider these issues prior to making any determination on whether or not to advance this bill. Thank you.

Jay Hall
Legislative Policy Director and General Counsel
Kansas Association of Counties
hall@kansascounties.org
(785)272-2585