



KANSAS
ASSOCIATION OF
COUNTIES

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Senate Utilities Committee
March 10, 2022
Senate Bill 478

Kansas Association of Counties
Opponent Testimony

Chairman Thompson and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer testimony on SB 478, which would require counties to determine the light mitigation technology systems for wind energy projects in the state of Kansas.

The concern of KAC lies in the language at the end of Section 1(a)(2) and (b)(2) – “The board shall have the authority to approve the proposed light-mitigating technology system or to require the installation of another light-mitigating technology system to serve the public interest.” This language could create liability for Kansas counties in the event of a malfunction of either the light mitigation system or an accident involving the wind turbine.

Under this language, the county would be making the decision regarding the appropriate light mitigation technology. In the event of a malfunction (and resulting litigation) the county could be exposed to liability as a result of this decision. Given that these facilities are privately owned and maintained, it is more appropriate to have the county issue the zoning or conditional use permit as appropriate, then allow the private entity to make the determination (within FAA guidelines) of the appropriate systems to utilize on the wind facilities.

Counties are well positioned to make determinations regarding roads, zoning (if applicable), conditional uses and other similar issues. Counties should not make determinations about which product or system a private entity uses in their business. That determination is better left to the private entity.

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.

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