

STATE OF KANSAS



**Senator Elaine Bowers
District 36**

House Committee on Energy, Utilities and Telecommunications

Testimony in Support of SB49

March 16th, 2023

Thank you for your time today to testify in support of SB49. I represent thirteen counties in the northwest and north central part of the state where the wind does blow and hosts four wind farms in operation and one under construction. Cloud County Community College in Concordia has a 1- and 2-year program for Wind Technology which is a very successful career path as students find good paying jobs in the field after graduation.

SB49 was the product of the Senate Select Committee on Wind Turbine Lighting held in October 2022. The day-long committee focused on a variety of topics beginning with the history of the Kansas Electric Transmission Authority and the history of incentives for wind development in Kansas. The Kansas Corporation Commission and the Aviation Department of KDOT testified on a state level. Input from federal officials with Southwest Power Pool, Department of Defense, and the Federal Aviation Administration added a national look into this industry. We also heard testimony from the National Conference of State Legislators (NCSL) who discussed other states' laws and legislative efforts and then from states officials including a Senator from Colorado and the North Dakota Public Service Commission – both states bringing a different perspective of laws and regulations – one state moving only prospectively and one mandating lighting with a deadline and penalties on existing turbines. We learned about the newest technology from the Aircraft Detection Lighting System (ADLS) manufacturers and the overall national conversations and trends with these firms. We reviewed previous bills introduced in past legislative sessions and even the roles of local governments with siting and procedures currently in statue. Finally, we heard from the wind industry members and wind companies wanting and needing to be a community partner with development – both future and farms in operation now.

Two bills came out of the process – one moving forward – prospectively and then one looking back – retrospectively. During Senate Utility Committee, both bills were combined to have SB49

in front of you. Chairman Olson held a hearing on both bills – SB46 and SB49. There was a strong consensus of the committee to add ADLS lights to future new construction with the positive backing of the wind industry. The most important aspect for the retroactive piece was to find a “trigger” if you will – an action which would not be punitive to the existing farms and contracts while addressing the desire of communities to turn off the lights when aircrafts are not in the area. Actually, this idea came from Colorado Senator Jerry Sonnenberg in rural north-eastern Colorado who moved a bill through the legislative process in his state passing ADLS on future builds and not the existing farms. He mentioned there was something he wished he had looked into but didn’t offer it at the time - it was the Power Purchase Agreements which basically is a new contract when the electricity is sold to a new company which can and often does happen before the original contract has been fulfilled. The wind industry also heard his comments and agreed this process could be the prompt to add the new lighting without breaking a contract or be a punitive mandate to the wind developers who in good faith built the farms following the law at the time of construction.

With several meetings with stakeholders and legislators, this balance was agreed upon and sent out of Senate Utilities unanimously. It is a compromise by each side, however it is important to note the newest farms are under a 20-year contract which seems very far away for people who would like the lights turned off sooner. An amendment I offered in committee was for local government officials to allow bonding authority and move these lights forward sooner with local county funds. The County Commissioners of these counties voted to move forward with wind farm construction and should be able to discuss adding these lights with their residents. Again, another local vote with input from residents in the county. The idea behind this amendment is to allow for community input and see if it is important to move quicker on the ADLS system installation rather than wait for the next Power Purchase Agreements. SB49 passed the Senate on February 23rd with a vote 39-1.

There are many people behind me to discuss the details from the wind industry and touch more on the several year-long progress of dealing with the blinking lights. I do want to mention the hard work of the Revisors and Researchers – both Senate and House Committees share Nick Myers and Lindsay Archer - who helped pull together the Select Committee’s agenda. Many people have had many conversations which has resulted in this bill presented to you today.

Thank you again for our time and I’m happy to answer any questions you may have.



Elaine Bowers
Senate District #36