

Testimony for HB2273, February 19, 2019

Mr. Chairman and Committee Members,

Thank you for this opportunity. My name is Galen Ackerman and I'm a landowner, retired cattleman and business owner.

- **I believe in energy efficiency.** Real world validation? – my home is 100% equipped with LED lighting. My furnaces and air conditioning are highest efficiency units available. To further reduce consumption of traditional fuels, I heat the majority of our living space with renewable wood heat.
- **I believe in true renewable energy.** Real world validation? – during my tenure on the Board of Trustees of a small university in northern Haiti, we worked to have designed, developed and installed a 30 kilowatt solar energy system with battery storage that has greatly reduced that institution's reliance on diesel powered electrical generation.
- **I am NOT opposed to renewable energy.**

### **So why then do I support HB2273?**

Please consider the following scenario as if it were the neighborhood in which you live. (FIGURE 1)



**FIGURE 1**

Assume for a minute that Jack and I were each approached by a billboard company to lease our ground. We liked the sound of the extra income and signed the leases. Billboards are harmless, and it is OUR property – we'll do what we want with it! You also were approached, but you did some research and decided having a billboard on your property was not of any interest to you. The company soon erected billboards on my property and on Jack's. (FIGURE 2) Because the billboard industry is not regulated in your state, you can't do anything about the situations on either side of you. Because your local government didn't anticipate billboards becoming an issue, there are no restrictions or regulations against siting them this close to your home. After a few months you and your family decide you just can't take living beside these things any longer so you decide to sell your home, This was supposed to be your "forever" house, so you are heartbroken to be forced out of this home and neighborhood you love. When the agent comes by to list the house, he tells you that the proximity of the billboards has rendered your home unattractive to potential buyers. He offers to list it, but for more than \$100,000 LESS than you had it appraised for just before the billboards went up. What do you do? How do you explain this to your spouse? To your children? Jack and I feel terrible, but we can't do a thing to help since we had no final say in where the billboards were sited. We would ALL have benefitted from a protective setback regulation. THIS is why I support HB2273!

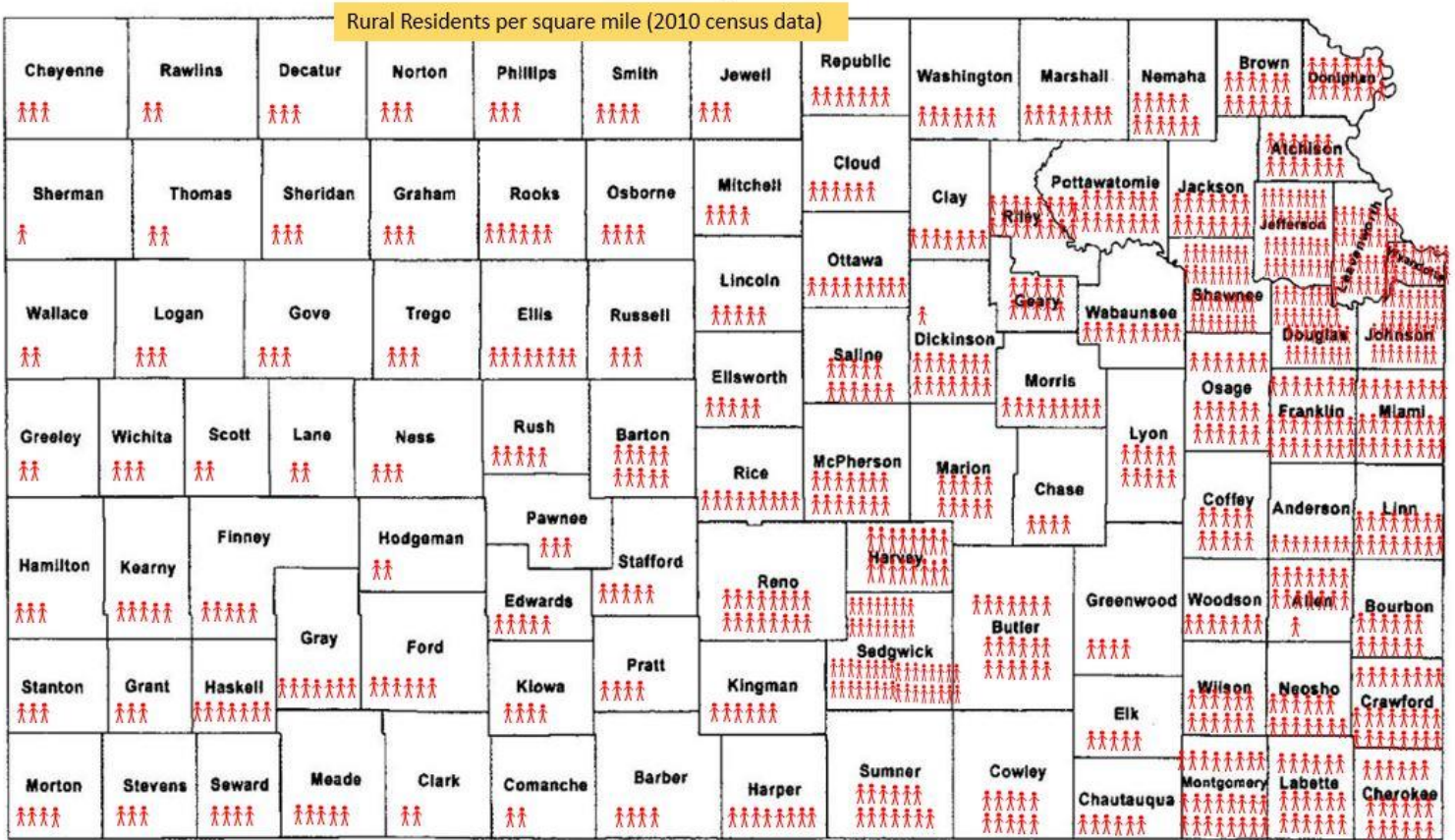


**FIGURE 2**

Unlike the billboards in my scenario, wind turbines are always moving. When they're moving they are making noise. You've just heard testimony regarding health concerns. Those concerns are backed by peer reviewed expert research and supported by tax-paying healthcare professionals who practice and raise their families in rural Kansas. You've heard testimony of tax-paying rural Kansas families who have directly and personally experienced some of the negative impacts to quality of life resulting from commercial wind turbines sited too close to their homes. You've heard qualified expert testimony related to the very real risk of property value decline resulting from turbines being sited too close to homes.

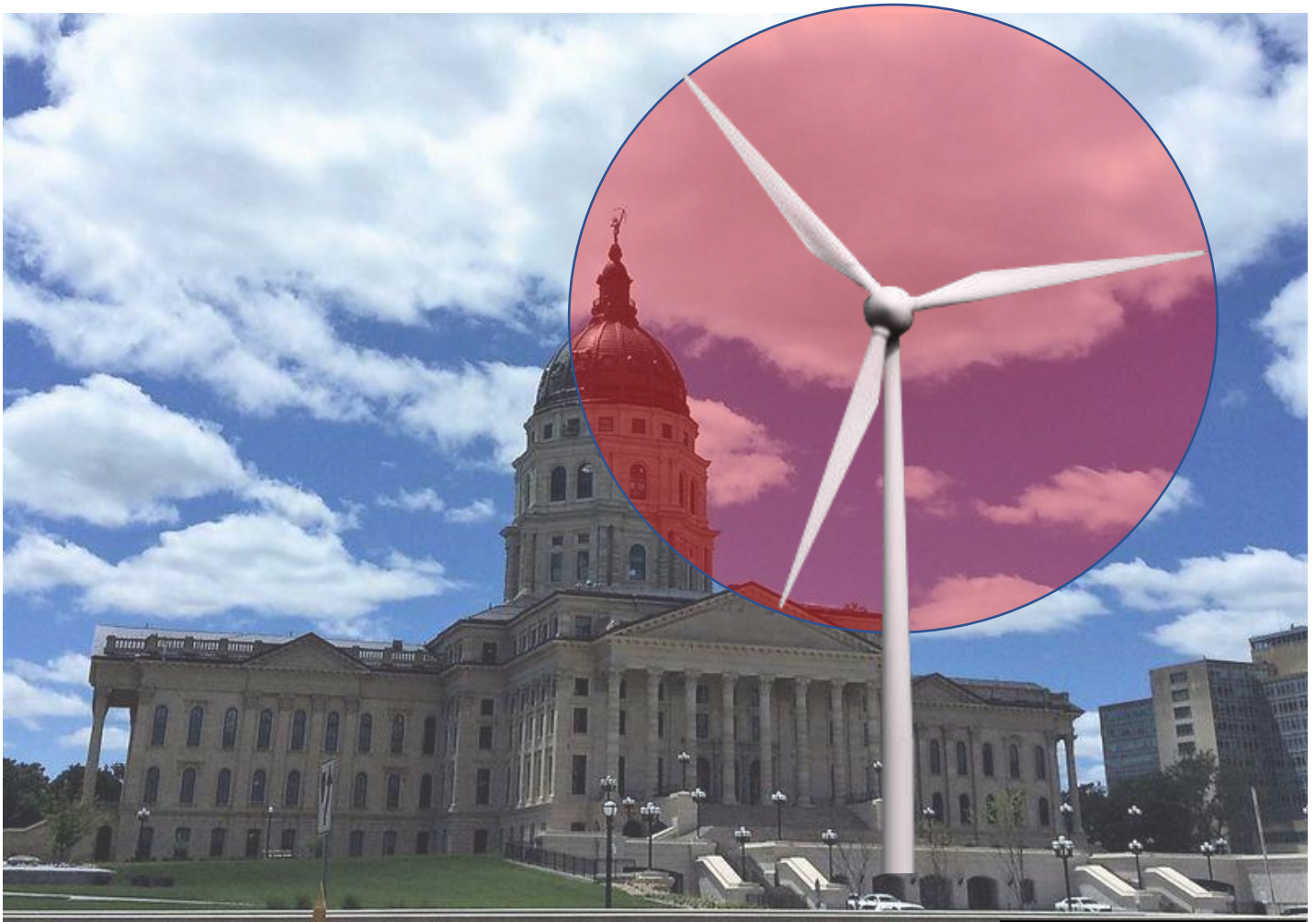
When considering the short and long term impacts of the commercial wind industry on the distinctly different regions of Kansas it is important to recognize a few key areas.

- Population densities for rural Kansas (excluding towns and cities) range from less than 3 people per square mile in several western counties up to 20 or more people for many counties in the central and eastern regions of our state. It's very simple – more people per rural square mile means improperly sited turbines will impact more Kansas tax-paying families. (the red icons on this map (FIGURE 3) indicate the approximate rural residents per square mile in each county from the 2010 census data)

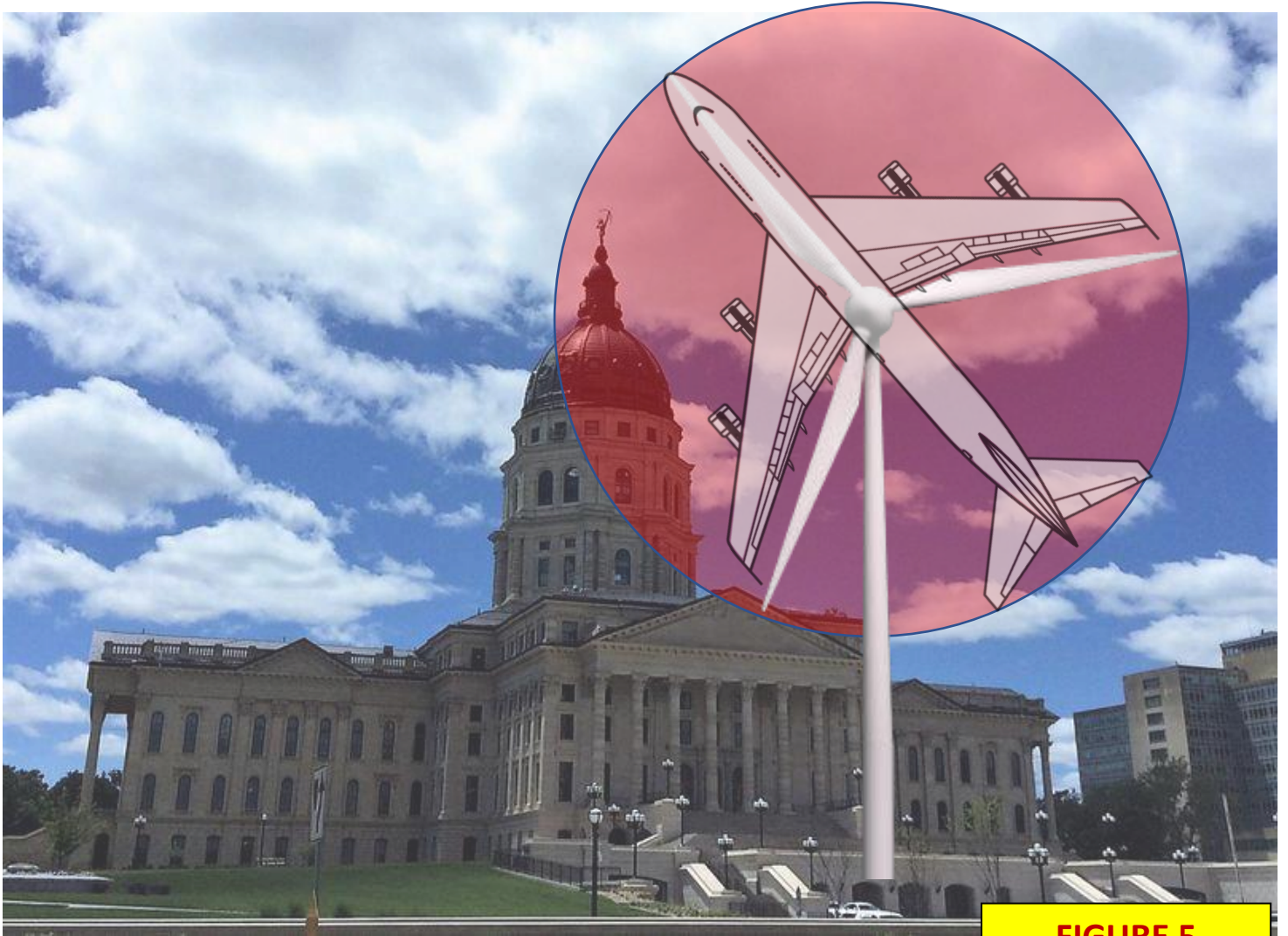


**FIGURE 3**

- § 17. Property rights of citizens and aliens. No distinction shall ever be made between citizens of the state of Kansas and the citizens of other states and territories of the United States in reference to the purchase, enjoyment or descent of property. All western and eastern Kansas families have the constitutional right to enjoy their property, **AS THAT PROPERTY EXISTS TODAY**. Why does the fact that rural population density increases as you move from west to east matter? It matters because higher rural population densities equal more frequent negative interactions with turbines AND because industrial wind turbines continue to increase in size and scale. The turbines proposed for Nemaha & Brown County will be at least 500 feet tall and. **That's more than 1-1/2 times TALLER than this 325-foot tall state capitol building we are meeting in today**. Because the landowner lease language provides NO PROTECTION to non-participant neighbors, a turbine could legally be sited 600 feet from a home. How far is that? It's approximately the distance from the center of the rotunda in this (Kansas State Capitol) building to the Kansas Health building directly across the street north of the capitol. (FIGURE 4) Now imagine that there's a Boeing 747 spinning from the top of the dome 15 times per minute. Now please imagine if that house was your home or the home where your grandchildren live. (FIGURE 5)



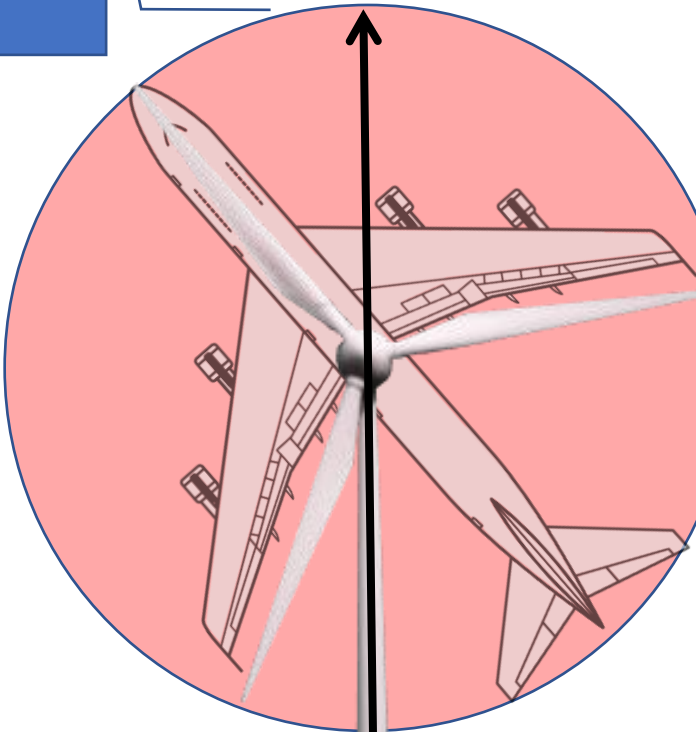
**FIGURE 4**



**FIGURE 5**

- Imagine a Boeing 747 oriented sideways – that’s the approximate size of the spinning blades on the turbines planned for Nemaha & Brown County.
- Imagine that giant plane making a full rotation every 3 to 6 seconds.
- Imagine the top point of that plane being 200 feet higher than this capitol dome.
- **Imagine one or more of such industrial wind factories within a few blocks of YOUR home, 24/7, 365 days, for at least 40 years and as many as the next 90 years. (terms of current contracts)**

500' tall industrial wind turbine



House shown roughly proportionate (40' to peak) in scale to 500' tall turbine.



600' allowable to house

FIGURE 6

By the actual written language of wind contracts now being signed in Brown & Nemaha County, a 500 foot tall turbine can be legally erected as close as 600 feet from a non-participant home. HB2273 provides the non-participating family living in this home essential protection from the consequences of such inappropriate siting.

- The Kansans testifying today and many more who are supportive of this legislation do so at their own expense.
  - In particular, many have chosen to turn down the financial benefits of the wind lease income because turbines on their farms would place at risk the health, safety and welfare of their families, friends and neighbors.
  - These rural Kansans do not have the wind industry's high profits and immense Federal subsidies with which to pay multiple lobbyists to wine and dine you.
  - Instead, these rural farmers, mechanics, engineers and others must take time away from their normal obligations to attend this hearing.
  - Many of these Kansans also now attend their county commission meetings regularly to try their best to preserve the quality of life they value so highly and have invested in so sacrificially.
  - Please give these citizens the tools to do so by supporting HB2273 AND recognize that the bill's waiver provisions **allow wind projects to proceed in areas where landowners are in agreement** in their desire to be involved.
  
- A few final thoughts.
  - With regard to a person living too near wind turbines manifesting their own negative health effects, **is this somehow THEIR fault? Ask yourself, "Who was there first?"**
  - We implore each of you: As it now stands in Brown & Nemaha County, multi-national energy companies are allowed to determine how close they can build one or more of these rotating behemoths to YOUR home –
    - Do you vote against this bill if YOUR home is at risk of being encroached upon? Do you.....if YOUR home's value is jeopardized?
    - Do you.....if it is YOU that has to listen to a bus sized generator that creates noise that has been described as sounding like a jet that never takes off.
    - Do you.....if it is YOUR grandmother or grandchild who suffers from the consequences of a wind turbine erected too close to their home?
  
- Please vote your conscience as fellow Kansans instead of casting your vote in the direction of some of the best lobbyists that mega-corporation money can buy!
- Please provide rural Kansans this protection while **also** providing those landowners **who wish to participate** in wind projects the opportunity to do so without unintentionally damaging their neighbor's EXISTING and CONSTITUTIONALLY GUARANTEED property rights!

Thank you for your time and attention.

