

Esteemed members of the Senate Utilities Committee.

Thank you for allowing me to speak today.

I am Mike Burns. I was born and raised in Eudora, Ks and attended KU school of pharmacy, graduating in 1989. Upon graduation I moved to Overland Park, ks where I first worked as a pharmacist for Kmart for 18 months before taking a position with an independent pharmacy owner in southern Johnson County. 29 years ago today, I moved to Anderson County and purchased my first pharmacy.

This is important because a big factor in me relocating to Anderson County was the rural nature of the area. My dream was to own some acreage where I could enjoy the outdoors and someday build a home. Raise a family. Well, I did all that. And I continued to invest heavily in acreage in and around Garnett, as well as expanding our pharmacy business into other counties.

Those investments were sound because I knew there would be little that could negatively affect my investment and enjoyment of my property. I thought there would be no chance of anything taking that all away. My family and our assets were protected. My rights were protected. So I thought.

In the fall of 2015 I got a call from a representative from Calpine Energy. I promptly returned their call and met with their group that evening. I was very open minded and wanted to learn more. Was this a great opportunity for economic development for Anderson County? How much would it pay in taxes? How might that affect me and my neighbors? While I was misled on many accounts that evening I still quickly realized this warranted a great amount of research.

Learned they pay no taxes. Provide very few if any permanent local jobs. Created partisanship and divisiveness. I visited the power plant in nearby Coffey County to learn firsthand. I could already, from my home, some 25 miles away, see the turbines during the day and the red pulse in my evening sunsets but I needed to learn more.

Now let's be clear on what we are really dealing with here. They are power plants. Wind Power Plants or what we refer to as WPP. Not entirely different than nuclear or coal power plants. Only their presence is felt for many, many miles beyond anything we have ever dealt with before.

With more education on the subject I learned about the massive tax subsidies. The potential negative health effects. The inefficiencies. The unquestionable negative impact on property values as they change landowners views for dozens of miles. Flicker from shadows. The incredible sound created by 200 ft blades cutting through the air.

Then the most important fact of all. There is little to no regulation of these power plants! I was shocked. But quickly understood why. They were relatively new to the power industry. New issues, new problems, new concerns and with nearly half our counties have zero zoning at all, they were free to have unfettered access to our counties with literally no permission needed from county commissions or concerned property owners. They were taking full advantage of this fact. Anderson County is zoned but had little to no regulations. Fortunately, Anderson County commissioners listened to the land owners and put some protections in place. Unfortunately all too many have not.

I could go into the high cost of wind energy and it's impact on energy consumers. The impact on other energy producers, again raising utility bills on Kansas consumers. The unpredictable and unsustainability of wind. The wind doesn't always blow and sun doesn't always shine. The predatory nature of the leases

offered to unsuspecting landowners. The negative local environmental impact. The health concerns due to electromagnetic disturbances and flicker. I could go on. But I won't. Today I am here to talk about something more clear and indisputable. Property owners' rights. The absolute necessity for state wide zoning regulations of Wind Energy Plants to protect those rights.

The Purpose of Zoning is defined as: to protect property values by keeping incompatible or unsuitable uses away from your property. In other words, zoning is to protect the property owner from what another owner may try to do that will negatively impact them. For instance, a retail business would not be suitable for or permitted inside a residential area. How would any of you feel if there were a massage parlor or night club coming into your neighborhood? Fast food, gas station, or even a landfill or factory? You wouldn't expect this, shouldn't expect this and deserve to be protected. Those of us in more rural counties deserve the same protection. We are no less important. You have a duty to protect all Kansans. All of Kansans, even if in rural areas. Our properties and lifestyles are just as important as anyone.

When I and thousands of others bought our land and homes, no different than all of you, we evaluated the surrounding areas. Our neighborhoods may be different than urban neighborhoods, but neighborhoods just the same. Deserving of the same rights and protections of urban property owners.

We looked at the zoning of those surrounding properties. There were no power plants nor zoning that allowed it. We invested our earnings, our families and our lives into these areas.

The following are indisputable

1. They are power plants
2. The impact on health, visual pollution, noise pollution and ultimate property values is beyond question.
3. These impacts are felt far beyond any county line, for many miles, thereby negatively affecting property owners in other counties, who have no control.
4. 51 of 105 Kansas counties have no zoning at all. That number is drastically higher when considering counties with zoning but no zoning regarding wind power plants.
5. There are safety concerns due to mechanical failure, ice and more.

Why are there no wind power plants in Johnson County? Wyandotte? Sedgewick? Shawnee? If they have no impact, then why? We all know why? And we are asking for the same rights and protection that others have. That possibly some of you on this committee have. It's fair, it's reasonable and it is the ethical thing to do.

The protection provided by SB 279 isn't unprecedented.

I couldn't find one other type of power plant that didn't have some kind of state regulations regarding site location, setbacks and other requirements and evaluations presented in this bill.

In fact, the state regulates at least 375 other business types. But not Wind Power Plants? It is absurd that we see it necessary, from the state level, to regulate bingo parlors and barbers, but not wind power plants with 500+ foot moving structures creating noise, shadow flicker, visual pollution and health risks?

KDOT regulates billboards. Visual pollution and driver distraction are cited as reasons. But hundreds of 500 foot mesmerizing spinning towers in all directions are ok? Again this isn't unprecedented. It is time we do something. The time is now.

Opponents to this bill will try to convince you that the counties should have jurisdiction. That you would be over reaching your authority. That there is no need for state regulations. Of course they will. They have had free reign and want to keep it that way.

Opponents will also try to argue there are no negative impacts. We know different. Remember the above 5 points. And again, why don't they exist in more populated areas. We all know the reason. In fact, how many people, honestly, PREFER to live next to these power plants. Within sight and sound? Within a mile or less? Ruining their views, peace and quiet. Especially if you aren't being paid to live under them.

Home rule is derived from KSA 19-101. However, no property owner should be subject to what another county enforces or doesn't enforce. Due to the indisputable size and impact of Wind Power Plants it is critically necessary to have state oversight. SB 279 does just that. Our state legislators have a duty to protect all Kansas property owners EQUALLY. The ONLY way to do this is through SB 279. Having different regulations or worse, none at all, across different counties, when property owners across all counties can be affected and affected differently simply isn't fair.

It is a violation of our rights.

We all deserve better than that. We deserve SB 279.

I humbly ask that you do the right thing. Protect all of Kansans. Protect all property owners equally. Support SB 279.

Thank you.