

McEowen, P.L.C.

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January 24, 2022

Senator Mike Thompson
Kansas 10th District, Senate
Kansas State Capitol, Room 225-E
300 SW Tenth Avenue
Topeka, KS 66612-1504

RE: SB 323 Testimony

Dear Senator Thompson,

I am Professor of Agricultural Law and Taxation at Washburn University School of Law. Washburn contracts for part of my time as does Kansas State University where I also teach agricultural law to undergraduate students via the Department of Agricultural Economics. The balance of my time is reserved for my own private business via my corporation, McEowen, P.L.C.. I am providing this brief testimony within my time reserved for my private business.

I have been involved with providing educational information to landowners in Kansas and elsewhere concerning wind energy leases for approximately the past 25 years. During the Sebelius Administration, I was part of a group put together by the Kansas Bar Association that traveled the state conducting educational seminars for landowners and those representing them concerning wind leases. The focus of my efforts has been on the elements of what is a “good” lease from a landowner’s perspective. My focus has not been on the merits or demerits of wind energy production in general, but on educational information that landowners need to know to protect their legal rights and maximize their economic return if they enter into a wind energy agreement.

To that end, it appears to me that SB 323 is designed to codify some of the points I have been making over the years and that I make in my attached article from 2016 that are designed to ensure better, more equitable agreements for landowners. In fact, SB 323 is broader than my 2016 article because it also encompasses solar leases. But, many of the legal and economic issues are the same for solar issues as they are for wind leases.

I view SB 323 as helpful legislation for Kansas that are considering entering into wind and/or solar leases. It supports by statute many of the same points I have been making for quite some time in my writings and at public educational meetings in Kansas and elsewhere. I don’t view it as political policy one way or the other.

Please see my accompanying article for further elaboration.

Sincerely,

Roger A. McEowen

