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Testimony of Angeliina Lawson, Lobbyist, Land On The Range

**For the Senate Committee on Utilities
Regarding Senate Bill No. 323**

January 26, 2022

Opponent Testimony

“That government can scarcely be called free, where the rights of property are left solely dependent upon the will of a legislative body.” - Justice Joseph Story

Mr. Chairman and members of the committee,

My name is Angeliina Lawson and I am here today representing Land On The Range, land owners who look to maximize the value of their current and future land revenues and market value. Land On The Range works to help provide information about the highest and best use of land. The issues involved include redevelopment of brownfields, mineral rights, conservation programs, zoning, economic development, infrastructure, last-mile utility solutions. I am also a land specialist and represent many clients in land acquisition, site selection, and analyze trends that impact market values of land.

I rise today in opposition to Senate Bill 323. I have provided the quote by Supreme Court Justice Joseph Story in 16 point font in order to express the fundamental problem with such legislation, that we chase red herrings rather than the true needs of property owners to hold those land owners dependent on the will of a legislative body.

The rights of the property owners to enter into as many agreements for the economic benefit of themselves, on their own timeframe, should be the standard. For example, layering leases of land and mineral rights (wind/solar), in tandem with oil & gas, hunting, crop farming, cell towers, carbon credits, conservation programs, livestock, and all other leasing options that can exist, as long as they do not interfere in the production of another layered product. Land On The Range opposes stripping the land owner of the right to lease and control their property, whether that is by a governing body or company. We stand firmly behind the right of the property owner to make the best decision for their land and acquire adequate council.



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Thomas Paine noted: “Men were equal in that no one of them should be dependent on the will of another, and property made this independence possible. Americans in 1776 therefore concluded that they were naturally fit for republicanism precisely because they were ‘a people of property; almost every man is a freeholder.’” We are a nation of property, built around the rights of a property owner for fair use and compensation of their land, and for our right to control the use of our land.

While Land On The Range believes a state standardization of lease disclosure documents should be provided to landowners, this effectively should occur through the Kansas Real Estate Commission and state agencies or real estate associations, not through a legislative body. The Real Estate Commission and state agencies or real estate associations are better suited to adapt to a changing marketplace, consult marketplace experts, and correctly advise landowners, with protections of the fiduciary duty provided through representation. Part of disclosures should be transparency of the proceeds through the life of a contract. We believe in movement toward standardized leasing disclosures.

Land owners deserve to know the market value of their mineral rights before entering into any lease agreements. Land owners should have the ability to list their mineral rights on the marketplace to search for competitive offers. When land owners know the value of their leasing potential of solar or wind, they can begin negotiations with equal footing.

Land On The Range is in favor of the duty to maintain confidentiality (other than impacting the Landlord’s or Tenant’s respective affiliates, counsel, consultants, lenders, prospective lenders, purchasers, prospective purchasers, investors, prospective investors, contractors or construction service vendors) with a proper appraisal of the mineral rights being leased. Confidentiality agreements protect the market rates and prevent under cutting or devaluing of the land during the negotiations. Each land parcel is as unique as a fingerprint and the topography, contour lines, soil types, zoning uses, speciality program areas and/or the need to make improvements to the land will generate different market rates. If every neighbor knew what the other neighbor was getting in real time it prevents privacy and would depress land values.

Land On The Range supports a regulatory environment that provides minimal burdens while providing marketplace certainty, and Senate Bill 323 provides neither of these to current land owners or business investors.

I thank you for your time to consider our testimony in opposition to Senate Bill 323.



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