

March 10, 2024

## **Senate Committee on Agriculture and Natural Resources**

### **Proponent Testimony for SB 417**

No government agency should have Eminent Domain power and this should include both PROPERTY RIGHTS AND WATER RIGHTS.

Refer to the Legal Opinion from the Attorney General's office and specifically note the reference to this violating our constitution.

I copied this from the Institute for Justice Website:

“Based on the centuries-old honored principle that “a man’s home is his castle,” the Institute for Justice seeks to restore strict limits for when the government can use eminent domain.

In the United States, eminent domain is the power of the government to take away someone’s private property. But the Fifth Amendment places two strict limits on eminent domain. First, private property can be taken only for “public use,” or public works projects, like roads and bridges. Second, even if a property is taken for a public use, the owner must be paid “just compensation.”

Eminent domain was intended to be a narrow power and has rightly been called a “despotic” power of government, given its vast potential for abuse: It can destroy lives and livelihoods by uprooting people from their homes, businesses, and communities. For years, the Fifth Amendment to the U.S. Constitution and similar provisions in state constitutions greatly restricted this power.

Unfortunately, the U.S. Supreme Court wrote a blank check for local and state governments to abuse eminent domain in the now infamous *Kelo v. New London* decision. IJ represented Susette Kelo and other homeowners in New London, Conn., to save their homes from being demolished. But in a narrow 5-4 decision, the Supreme Court instead upheld the taking of their homes under the guise of “economic development.”

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Go back and watch the Department of Wildlife and Parks presentation to the senate committee on Agriculture and Natural Resources regarding future endeavors.

This Wildlife & Parks Department is pushing for Flint Hills Trails area of Kansas. Leave the land in the hands of the Ranchers in the Flint Hills who are tied to the land and understand how to nurture it to survive. It is tied to their heart and soul. The Federal Government only wants control. They have a blatant history of land abuse.

The Flint Hills are beautiful, don't let the government destroy it. There are plenty of recreational opportunities in the Flint Hills. I am glad I am old enough that I will never have to see government control of the beautiful Flint Hills land.

The Governor along with this Dept. are recommending over \$6M for these Trails. Around \$3M is from FEDERAL GRANTS (remember the Flint Hills Regional Council and Mid American Regional Council are all using these federal grants to take our property rights.). \$3M is from the Federal Highway planning and construction fund! It seems like they are proposing stealing tax \$\$ from roads to complete the Flint Hills Trail Plan. They can't seem to maintain park sites now. They always need more funding.

I don't think maintenance is in the plan. In the 2024 SOTU address we were told that the Federal Government wants 30% more property rights and water rights by 2030 and 50% by 2050.

Are any of you certain that the threat of eminent domain will not be used to establish this trail system?

We all know what they want. The Government wants everything we own under their control, which gives them the ownership of all of us.

This is why I stand against any Government Organization having the power to initiate or suggest the use of eminent domain.

Senator McGinn stated that eminent domain had not been used since the 50's.

They don't have too!

How do "we the people" stand up to unlimited tax payer dollars & the lawfare used against us?

We, as property owners, know we have no power to fight the government. Property owners are forced to sell or forfeit their property. No formal eminent domain filing becomes necessary.

So, I disagree with Senator McGinn that eminent domain has not been used. The threat of eminent domain is enough for the government or cities to confiscate property and water.

That is why I am requesting that this bill not only pertain to water rights, but also property rights.

This bill needs to be passed in its original form.

Sincerely,

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