

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: Senate Committee on Utilities  
From: Nick Myers, Office of Revisor of Statutes  
Date: February 19, 2024  
Subject: Bill Brief – Senate Bill 457

Senate Bill 457 would amend K.S.A. 66-104 which establishes the definition of a public utility under Kansas law. Generally, if a public utility holds a certificate of convenience and necessity from the Kansas Corporation Commission such public utility may exercise the power of eminent domain in relation to the public utility’s functions.<sup>1</sup>

Currently, K.S.A. 66-104(g) expressly prohibits any public utility from exercising the power of eminent domain for the siting or placement of wind turbines. SB 457 would add another provision to K.S.A. 66-104(g) to expressly prohibit any public utility from exercising the power of eminent domain for the siting or placement of solar facilities.

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<sup>1</sup> K.S.A. 17-618; K.S.A. 26-101.