



Since 1894

Date: February 19, 2024

Re: **SB 457 - AN ACT concerning public utilities; relating to eminent domain; prohibiting public utilities from exercising eminent domain for the siting or placement of solar facilities.**

From: Jackie Garagiola, Associate Counsel, Kansas Livestock Association

To: Senate Committee on Utilities
Sen. Michael Fagg, Chair

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing more than 5,700 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Chairman Fagg, and members of the Committee, for giving the Kansas Livestock Association (KLA) the opportunity to share our views on SB 457. KLA supports SB 457 as a means to protect landowner property rights.

Our members believe that private property rights are one of the basic pillars of a free enterprise society and therefore should be preserved by the State. This bill directly addresses an issue impacting a number of our members, potentially disrupting their operations and homes. If companies have the ability to approach members with plans for new solar structures under the threat of eminent domain, landowners lose the ability to effectively negotiate for the use of their land.

KLA member led policy supports, "legislative, judicial, and administrative initiatives to prevent the use of eminent domain powers by governmental entities as a tool to take private property from one party and transfer to another party for profit or private gain." Therefore, KLA fully supports legislation aimed at limiting the use of eminent domain simply as a means to aid companies in gaining access to private property and increasing their own profit margins. This protection already exists within the wind industry and should be extended to solar siting. This bill ensures that all public utilities cannot and will not in the future use this power to advance siting and placement of solar facilities at the cost of real property rights of Kansas citizens.

KLA appreciates the opportunity to appear as a proponent of SB 457. We ask that the Committee recommend the bill favorable for passage.