

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

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BRETT FAIRCHILD
113TH DISTRICT

Thank you, Madam Chair, for the opportunity to speak in favor of SB 262. Eminent domain is a big issue in my district, as many people have been concerned about the proposed transmission lines going through Kansas. People in my area are concerned about eminent domain being used to build the Grain Belt Express. I personally support all forms of energy, and I'm not opposed to wind energy. However, I believe that I must be responsive to the concerns that people in my area have. I've always been a strong advocate of private property rights, and the purpose of this legislation is simply to reform eminent domain and limit it as much as possible.

I was recently invited to a meeting with a group in Great Bend that focused on expressing their concerns about eminent domain along the grain belt express. I ended up going to several of their meetings. They asked me to introduce a bill to reform eminent domain, and I decided to introduce an eminent domain reform bill that's modeled after a bill that's been introduced in Ohio. I believe this group wants to end all eminent domain along the Grain Belt Express, and this bill doesn't go that far. Because of that, this group likely doesn't think that my bill goes far enough. However, they still support my bill since they believe it's a step in the right direction. This Senate bill contains the exact same wording as the house bill that I introduced, as I asked Senator Murphy to introduce this bill after my bill didn't receive a hearing this year in the house.

There are four basic provisions in this bill that I believe will place common sense restrictions on eminent domain. First, the bill completely ends eminent domain for economic development reasons. In 2006, an eminent domain reform bill was passed by the legislature and was signed into law. This was a good law, but it still provided an exception for the legislature to authorize eminent domain for recreational purposes if they chose to do so. This bill would completely end eminent domain for recreational purposes in Kansas. The bill also prohibits eminent domain from being used to build recreational trails. I believe this is just common sense, as eminent domain is a necessary evil that should only be used when it's absolutely necessary. The bill also states that the initial good faith offer made to a landowner to compensate them will always be the minimum

offer. Apparently, when eminent domain has been used in the past, government agencies have sometimes reduced the initial offer made to landowners. This bill attempts to fix that problem and ensure that landowners receive just compensation. Lastly, the bill requires government agencies to provide clear and convincing evidence that the taking is necessary for a public use. This requires a higher legal standard for eminent domain to be used, which is necessary to ensure that eminent domain is only used in situations where it's absolutely necessary.

A handwritten signature in black ink that reads "Brett Fairchild". The script is cursive and fluid, with the first name "Brett" and last name "Fairchild" clearly distinguishable.

Brett Fairchild-State Representative-113th District