

ROSEWOOD SERVICES

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StopEminentDomainAbuse.org

Testimony for Hearing on Kansas SB 262

March 17, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Testimony for SB 262 by Senate Committee on Federal and State Affairs

My name is Tammy Hammond, and I wish to address the hearing on Kansas Senate Bill 262 concerning eminent domain reform. The bill eliminates the power of the legislature to take private property for economic development, narrows the definition of public use, and requires a good faith offer of compensation to a property owner prior to filing an eminent domain action. It also stipulates that if the good faith offer is greater than the appraiser's award, the greater amount may be subject to appeal only by the property owner. It therefore amends K.S.A. statutes 26-501a, 26-501b, 26-502, and 26-507, thereby repealing the existing sections. I wholeheartedly endorse all of these changes.

Due to my personal experience with Grain Belt Express, I have a greater understanding of the need for reforming eminent domain law in Kansas, which becomes more imperative with each passing day. Everyone is familiar with the disapproval of Grain Belt Express on the part of most citizens affected by Invenergy's long-distance HVDC transmission project. While Invenergy has obtained signatures on a majority of the easement agreements tendered thus far, citizens have not fully understood the process of eminent domain.

It is not a choice of merely wanting or not wanting to sign an agreement. Rather, it is a choice of how or if you will sign it. It will either be signed voluntarily or your land will be taken from you

through a process called condemnation. Should you want to fight your property from being taken through eminent domain, you are faced with substantial legal costs, but even these costs will not necessarily prevent the taking. The choice therefore becomes a threat to seize what is rightfully yours. Unfortunately, property owners who have been forced to experience this threat through condemnation have gained an insight that those who confer the right of eminent domain, such as the KCC, are blind to.

The vast majority of Kansans who have signed agreements have buyer's remorse. After signing, they watched Grain Belt Express change in size, scope, and intent from the project described in the easement agreements. Kansas landowners also watched other states legally curb the use of eminent domain for Grain Belt Express. Still other states are fighting hard to keep landowners from facing the threat of condemnation by corporations seeking profit. Sadly, they watched as Kansas actually encouraged such takings.

Those involved in the taking of land, myself included, are rightfully losing faith in Kansas. How do you trust a state that values an out-of-state for-profit business over their own landowners? I and other Kansans have been faced with this threat for thirteen long years, and it continues as Invenergy, the federal government, and the State of Kansas work together to take land that has been owned by families for generations for a speculative merchant transmission line that, as of this date, may never be built.

I endorse the legislation now being discussed and strongly recommend that it be strengthened further or that additional legislation be written that addresses the following points:

- (1) The federal government should never be able to override state law in matters of eminent domain.
- (2) There must be a full and final legal check on all attempts to circumvent state law given that eminent domain has been easier to invoke ever since the Supreme Court decision *Kelo vs. The City of New London* in 2005 opened the door for eminent domain abuse.
- (3) Eminent domain must only be exercised according to county jurisdiction. If a project has great merit, it will be approved on every level, but projects that cause local harm could be examined and evaluated by those they damage.

I am encouraged to see that the current senate bill addresses fair compensation, especially since Invenergy has not compensated landowners adequately. In my own case, the easement agreement is not even written correctly and does not properly describe the prior use of the land for which compensation is sought. Invenergy is offering an agricultural-based document to compensate me for crop loss even though I am a healthcare provider that runs a business to serve those with

Intellectual and Developmental Disabilities. Invenenergy refuses to acknowledge my status, which is representative of the way it treats individuals who refuse to sign agreements weighted in favor of their company.

I mention these details in commenting on SB 262 because I want to make sure that any legislation that is passed cannot simply be circumvented by corporate interests that run counter to the welfare of Kansans. And as stated above, it's crucial that lawmakers understand the future threats to our land given strategies on the part of private developers to take property for new projects with the encouragement of state and federal governmental entities.

I should add by way of emphasis that I lead a grassroots campaign to fight eminent domain abuse at stopeminentdomainabuse.org. Our group has collected over 3,000 signatures on a petition to stop this abuse and allow citizens and local government to determine how our land is used.

Thank you for addressing the abuse of eminent domain and fair compensation. I sincerely hope that the fight to maintain the rights of Kansas landowners will continue at the state level.

Sincerely,

Tammy Hammond Landowner



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Great Bend, KS