

**To: Senate Committee on Local Government, Sen. Carolyn McGinn, Chairperson**

**From: John Donley, Kansas Farm Bureau**

**Date: March 23, 2023**

**Re: SB 312-Requiring the approval of the board of county commissioners prior to the exercise of the power of eminent domain by certain public utilities.**

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Chairwoman McGinn and members of the Committee, thank you for the opportunity to provide testimony in support of SB 312 on behalf of Kansas Farm Bureau (KFB.) KFB is the state's largest general farm organization representing more than 30,000 farm and ranch families through our 105 county Farm Bureau associations.

Kansas Farm Bureau has long been an organization that supports private property rights. One of the key protections of property rights is the constitutional restriction on taking private property without just compensation. Kansas Farm Bureau policy is clear on the use of eminent domain: "Eminent domain procedures should be used only for legitimate public purposes." Additionally, we support "[c]hanges in legislation regarding eminent domain cases that would strengthen the rights of landowners." SB 312 is consistent with both policy statements.

Engaging local county commissions to approve the use of eminent domain will help ensure that the power will be used for a legitimate public purpose. Additionally, the provisions in SB 312 will certainly strengthen the rights of landowners."

While Kansas Farm Bureau understands that legitimate public purposes do exist and the power of eminent domain may be necessary in limited instances, it is also necessary to put reasonable limitations on those significant powers to limit the abuse of the tool by condemning authorities. Finally, the siting of lines is often contentious. Involving county commissioners in the process will potentially give landowners a stronger voice in the siting of the lines.

The provisions in SB 312 that require a duly elected local public body to determine if the proposed taking is a legitimate public purpose seems reasonable; therefore, we ask you to support SB 312. I will stand for questions at the appropriate time.