



Testimony Provided To  
Senate Local Government Committee  
Kimberly Gencur Svaty, Public Policy Director  
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### **In Opposition to Senate Bill 312**

Madame Chair, Vice-Chairman, and Ranking Member and members of the committee,

Thank you for the opportunity to provide comment this morning. The Advanced Power Alliance (APA) rises in opposition to Senate Bill 312.

The APA believes it is critically important to understand that Kansas state law does not allow the use of eminent domain in the development and construction of clean energy projects in Kansas. Even the generation interconnections – the “extension cord” lines that carry the power from a generating site to the substation before the power is sent to the grid – are classified as part of a clean energy project, are not a public utility, and therefore cannot use eminent domain.

If clean energy projects are prohibited by state law from using eminent domain, why would we oppose Senate Bill 312? We oppose SB 312 because the language and communication of some of the supporters of SB 312 usually conflates the two – transmission and clean energy – and so potentially “stopping” the use of eminent domain would give individuals the false sense that they are stopping the development of clean energy, which is not the case. Transmission development and clean energy project development while are parallel tracks are not the same issue.

We further opposed to SB 312 because many of our members are public utilities whether in this state or other states, and as a matter of public policy allowing County Commissions to determine whether or not eminent domain is available for use within the county is a policy direction that we would argue would create many cascading challenges to maintaining a safe and reliable energy grid providing affordable 24/7 power customers.

SB 312 only applies to electric or transmission-only utilities operating with a certificate of convenience. The bill does not apply to pipelines, gas gathering systems, or any of the other non-state or local units of government that have eminent domain authority in Kansas. No justification exists as to why electric and transmission operators should be singled out.

The underlying point of eminent domain is to help build critically needed large infrastructure projects that have a public good which cross multiple governing jurisdictions. Allowing one of those jurisdictions County Commissions in this instance to have outsize power in the siting process would severely hinder infrastructure development in Kansas.

The Advanced Power Alliance understands that this legislation was put forward largely because of a transmission line in Southeast Kansas. That line was studied for years by our regional transmission organization as well as state regulators and only advanced following repeated studies demonstrating the line was a net benefit to customers. The transmission line is necessary for reliability and to help all power

flow more efficiently. A process exists, dictated by statute that includes multiple touchpoints for public input. That process was followed in the development of the line. This bill is a blunt force instrument that could have a litany of any intended consequences for our state.

Thank you and we would stand for questions.