

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 457

As Amended by Senate Committee of the Whole

Brief*

SB 457, as amended, would clarify the term “public utility” in statute, for the purposes of appropriation of property through eminent domain, to include solar powered electric equipment, including solar panels. The bill would prohibit public utilities from exercising eminent domain for the purpose of siting or placement of solar facilities.

The bill would also make technical changes.

Background

The bill was introduced by the Senate Committee on Utilities at the request of a representative of the Kansas Farm Bureau.

Senate Committee on Utilities

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Kansas Farm Bureau and Kansas Livestock Association and a private citizen. The proponents indicated enactment of the bill would further protect private citizens and their private property rights from companies looking to obtain land through the use of eminent domain.

Neutral testimony was provided by a representative of Advanced Power Alliance, who stated that while the bill may

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

be redundant and duplicative of current law, the bill makes a clear policy statement that eminent domain is not to be used for the construction of solar powered electric generation.

No other testimony was provided.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to remove the term “generation.”

Fiscal Note

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Corporation Commission and Citizens’ Utility Ratepayer Board indicate enactment of the bill would have no fiscal effect.

Public utilities; eminent domain; siting; solar; solar facilities