

Date: January 30, 2025

Re: Hearing on SB61

To: Senate Committee on Judiciary, Chairwoman Warren

From: Wendee Grady, Kansas Farm Bureau

Chairwoman Warren and Committee members, thank you for the opportunity to provide proponent testimony in support of SB61, a bill that would require an electric public utility to pay a landowner's attorney fees in an eminent domain action when a party appeals the appraisers' award and a verdict is rendered that is greater than the appraisers' award. My name is Wendee Grady and I work as the Assistant General Counsel and Director of the Legal Foundation at Kansas Farm Bureau (KFB). I am submitting this testimony on behalf of KFB members. 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. Our policy also supports transmission buildout to keep pace with the growing demand for electricity. These two positions can sometimes be in conflict, so our KFB Board of Directors created a working group of members from around the state to study our energy policy and make recommendations. Eminent domain concerns had a strong presence in the nearly 20 policy changes and additions the working group recommended, which were adopted by our members at our annual meeting a year ago. One such policy can be found in GOV-7, and reads as follows:

Condemning authorities should be required to pay attorneys' fees to the parties whose property is being condemned, regardless of the outcome of the process.

Over the last year, I have traveled the state to provide information to Kansas farmers, ranchers, and landowners on electric transmission issues and have heard several concerning stories about interactions between landowners and transmission companies. Given the anticipated growth that Kansas will see in electric transmission buildout, we think it is imperative to begin supporting landowners when an interest in their land is taken through eminent domain. Legal representation can be helpful to landowners in all stages of the easement acquisition process, whether to negotiate a mutual agreement with a transmission company, or to advocate for them in an eminent domain proceeding. However, the cost of legal representation is often a deterrent or barrier to obtaining representation. For those reasons, we support SB61, which can help level the playing field when a landowner and electric public utility cannot reach agreement and the utility resorts to eminent domain to acquire the necessary property interest.

Thank you for the opportunity to provide testimony on SB61, and we ask for your support of the bill.