KFB and AFBF Renewable Energy Policy

(including energy and transmission regulation that impact renewable energy)

Kansas Farm Bureau Policy

Energy **TU-6**

(This is the entire section, but I have grayed out less applicable language)

We support the Kansas Corporation Commission's (KCC) and the Federal Energy Regulatory Commission's (FERC) roles in monitoring service quality and equitable rate treatment for all segments of the energy industry falling within their respective jurisdictions through statute, regulation or utility industry restructuring. During any transition period from a regulated to a deregulated market, regulatory structures and oversight should facilitate the move to a competitive market where service providers compete on a level playing field. The KCC, when asked to approve a rate increase, should not recommend a rate higher than the rate requested by the power supplier.

The Kansas Corporation Commission should be expanded from three to seven members appointed by the Governor. At least one member should represent each Kansas Congressional District with the remaining members appointed at-large. No more than four Commissioners should be from the same political party and no two members should reside in the same county.

Rules and regulations promulgated as a result of legislation, including utility industry restructuring, should assure Kansas is not at a competitive disadvantage with any other state.

We Support:

- Development of a statewide energy plan. The plan should promote consistent, reliable electricity produced at the lowest cost possible.
- Revenues generated from any taxes on renewable energy remaining in the taxing area where the energy is produced.
- Current law which allows excess power generated by producer owned and operated renewable energy sources to be sold to utility companies. We encourage a mechanism to measure production and appropriately compensate individual producers. Net metering, if considered, should not result in negative economic impacts to neighboring consumers.
- Community and/or cooperative based renewable energy development. Schools should be encouraged to consider renewable energy development as an educational opportunity and a potential cost reducer.
- Increased use of nuclear power generation
- Existing law which provides agricultural producers the opportunity to create non-profit utilities.
- Agriculture land with utility easements should be taxed at agriculture use value.
- Collocation of energy generation and agriculture as a benefit to both farmers and energy producers.
- Efforts to locate energy projects on marginal or underused lands.

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- The establishment of a company code of conduct and a landowner bill of rights to set minimum standards for the policies and procedures that must be followed by energy companies, as well as minimum contract standards, when acquiring rights in land for energy generation and transmission projects, whether such acquisition is by voluntary means or through the use of eminent domain.
- An electric energy generation fee to pay for transmission line costs for rate reductions for Kansas consumers.
- The establishment of standard weighting factors to be used in route model studies for all transmission siting dockets before the KCC.
- The establishment of minimum siting requirements for transmission lines, such as setback requirements from residential and agricultural structures.
- Minimum siting standards for energy generation projects at the state level.
- A required timely notice, early in the planning process, to all possible impacted landowners, and public input, before county approval can be granted for proposed energy generation projects.
- Laws that favor incumbent transmission companies (ROFR - Right of First Refusal).
- The list of names and addresses of landowners that may be impacted by a proposed transmission project being publicly available to allow collaboration of impacted landowners.

Property rights of all landowners in areas developed for energy generation and transmission should be protected. Decisions regarding siting guidelines and other potential zoning or restrictions are best made by county government after public input and comment. Regulations should provide area landowners adequate protection of setbacks, decommissioning issues and environmental issues.

The KCC will immediately notify all affected county commissions and all state legislators by certified mail when any new entity applies for and when any new entity is granted utility status. KCC must also serve same notice when any new request for new construction of over 25 miles is filed with the KCC.

Landowners should be annually compensated at comparable rates as similar structures for property condemned by utilities for new transmission lines or any other belowground utility equipment. Transmission lines and other utilities should be situated on section lines or property lines when practical. Further, landowners and/or tenants should not be liable for unintentional or inadvertent damage to utility structures.

There should be stakeholder engagement opportunities during the planning process, prior to line approval, at the KCC and the Southwest Power Pool (SPP), that include steps such as:

- A comprehensive study on the economic impact inclusive of any tax abatement of the project;
- A comprehensive study on the health/safety impact of the project;
- Cooperation/collaboration with existing local power cooperatives;
- Analysis of current infrastructure, and an effort to build lines where rights-of-way for other transmission lines already exist;

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- Multiple opportunities for affected landowners to discuss concerns before companies seek to acquire rights in land through contracts or the use of eminent domain;
- Transparency/clarity in the process;
- Route studies; and
- Facts and numbers that demonstrate how the project will benefit Kansas consumers and communities (not just exporting power).

While we support landowners' rights to private property rights, we do not encourage the use of prime agricultural soils for large scale solar installations.

We Oppose:

- Allowing wind rights to be severed from the land.
- Legislative or regulatory efforts that prevent agricultural producers from voluntarily participating in this industry.
- The use of eminent domain for the acquisition of rights in land for wind, solar, CO2 and hydrogen energy projects and facilities.
- The use of eminent domain for the acquisition of rights of way for merchant electric transmission lines.
- The involuntary unitization or pooling concepts for carbon storage, and the use of eminent domain for the acquisition of rights in land for carbon pipelines or storage.
- The use of guyed transmission structures, requiring guy lines, on private property without landowner permission.

Planning and Zoning **GOV-15**

Those who own or operate land should have the major responsibility for land use and development.

We urge Farm Bureau members, farmers and ranchers in every county, to become involved in planning and development of zoning ordinances to prevent undesirable land use patterns. In all governmental planning and zoning activities, agriculture must be involved and represented.

Planning and zoning activities are best addressed at the local level.

We support the statutory provisions in Kansas law to protect agricultural activities consistent with good agricultural practices from nuisance actions.

We oppose federal legislation and agency policy which would impose land use regulations as a qualification for federal grants and loans.

We oppose federal assistance to states and local units of government for land use planning.

Private Property Rights **GOV-16**

We vigorously support landowners' rights. We support legislation which will prevent any increased liability for owners of land or livestock.

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We oppose the imposition of a moratorium on the development of any agricultural crop or livestock production facility or operation in Kansas. Legislative or regulatory efforts should not prevent agricultural producers from voluntarily participating in coordinated, value or supply chain-based marketing mechanisms.

We adamantly oppose the imposition of a moratorium, voluntary or otherwise, on the development of commercial energy generation on private land.

Eminent Domain **GOV-7**

Eminent domain procedures should be used only for legitimate public purposes. The use of eminent domain for economic development should be restricted. We oppose the practice of condemning the property of one landowner and subsequently transferring that property to another private owner. Agricultural land or open space should be excluded from lands that can be designated as blighted by local governments.

Owners of real estate proposed to be taken in a condemnation proceeding should be allowed to choose one appraiser in the appraisal process. All appraisals should be made public. The legislature should consider and adopt appropriate mechanisms to evaluate and provide equitable payment to owners of property condemned by eminent domain, especially in instances where there is significant increase in value as a result of the development. Petitioners in a condemnation action should be required to complete an impact analysis and feasibility study to estimate potential increases in value of the property to be taken.

Takings, partial takings, or any other governmental control or jurisdiction over private property should not be permitted without just compensation for loss of production, development, or sale potential, as provided in the 5th Amendment to the U.S. Constitution.

Compensation for interests in land taken by eminent domain should be at a rate that is greater than the fee simple fair market value.

A severance allowance should be paid to those who lose income because leased or rented real estate has been taken in an eminent domain or condemnation proceeding. A person whose property is taken by eminent domain or condemnation should have one year following payment to relocate, with the relocation costs being borne by the person or entity "taking" the property.

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

Producers should be compensated if it is necessary to alter agricultural practices when regulations or legislation take effect which classify species as "threatened," "endangered" or "in need of conservation."

American Farm Bureau Federation Policy

SECTION 4 - ENERGY / MONETARY-TAX / MISCELLANEOUS

ENERGY

401 / Electric Power Generation

3. We support:

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3.9. States maintaining primary authority to oversee transmission siting;

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…

3.11. States adopting Agriculture Impact Mitigation Agreement (AIMA) programs to better protect landowners subject to utility projects that impact agricultural land and help restore land to pre-construction conditions;

3.12 Mutually beneficial placement of infrastructure including, but not limited to, power poles, solar panels and wind turbines through consultation with the landowner when easements are obtained on private lands by public utilities; and

5. Electricity Infrastructure

5.5 There should be stakeholder and landowner engagement opportunities during the planning process, prior to transmission line approval, at Regional Transmission Organizations, that include steps such as:

- 5.5.1. A comprehensive study on the economic impact of the project;
- 5.5.2. A comprehensive study on the health/safety impact of the project;
- 5.5.3. Cooperation/collaboration with existing local power cooperatives;
- 5.5.4. Analysis of current infrastructure and an effort to build lines where rights-of-way for other transmission lines already exist;
- 5.5.5. Multiple opportunities for affected landowners to discuss concerns before companies seek to acquire rights in land through contracts or the use of eminent domain;
- 5.5.6. Transparency/clarity in the process including demonstrating the need for the project to promote grid reliability;
- 5.5.7. Route studies; and
- 5.5.8. Facts and numbers that demonstrate how the project will impact the state and consumers where a line is proposed.

9. Renewable Electricity

9.1. We support:

- 9.1.1. Using renewable sources of electricity such as wind, biomass, solar, tidal, hydroelectric; and methane from manure, food waste and landfills;
- 9.1.2. Using biomass fuels for electric power generation whenever economically feasible;
- 9.1.3. Developing renewable fuels, clean coal, and next generation nuclear technologies in order to keep the costs of electrical energy affordable;
- 9.1.4. Encouraging the use of switchgrass or biomass residue as a source of fly-ash in cement as an alternative to coal fly-ash. The American Society of Testing Materials should conduct research and establish cement specifications for fly-ash from co-fired electrical generation from sources other than coal;
- 9.1.5. Using electrical generation turbines at navigation dams without government regulations or permits;
- 9.1.6. Researching and developing methods for storing electricity generated from renewable resources;

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9.1.7. Mandating that renewable energy/electricity be purchased at a minimum of the wholesale price;

9.1.8. Responsible and cost-effective wind energy development, including safe siting of wind turbines in accordance with manufacturers' recommendations without imposing additional restrictions on neighbors;

9.1.9. A federal (USDA or DOE) program to incentivize solar panel installation on farm buildings and bins;

9.1.10. Battery Energy Storage Systems (BESS) as part of the energy portfolio of the U.S. and efforts to locate projects on marginal or underused lands, including brownfields, rather than on highly productive, tillable farmland; and

9.1.11. A multiple-use management approach to renewable energy development and generation on the landscape that supports and includes continued agricultural production.

402 / Energy

5. We believe unrealistic reliability on intermittent energy sources will decrease grid reliability, ratepayer affordability and economic viability.

6. We oppose the unrealistic green energy goal of reaching a 100% clean electricity grid by 2035 and net zero emission status by 2050 due to adverse impacts on agricultural land and the economy.

7. We urge Congress and the administration to enact policies that will:

…

7.10. Support further development of nuclear, solar, geothermal, bio-based, hydroelectric, oil shale, tar sands, wind and other sources of energy and recommend that special emphasis be given to converting to expanded use of coal, including gasification, liquefaction and alcohol production; and

7.11. Order a thorough economic impact study be completed to demonstrate the true benefits derived from the domestic production of renewable energy to assist in our nation becoming self-sufficient in energy production.

7.12. Ensure that the maximum amount of funding from the Inflation Reduction Act be directed toward the development of renewable energy, including funding intended for direct incentive programs for farmers.

8. We support:

…

8.2. Educational programs and incentives to promote sound energy conservation renewable energy

12. Renewable Energy

12.1. We support:

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12.1.1. Incentive programs and initiatives that will increase the use of, and facilitate the local ownership of all renewable energy sources;

12.1.2. Incentives for renewable energy systems in rural areas as long as it does not restrict agricultural production;

12.1.3. The ownership of methane as separate from other energy resources; and

12.1.4. Increased funding for the AGSTAR (methane promotion) program.

12.1.5. Ethanol and fertilizer plants converting CO2 into green methanol products.

12.2. We oppose classifying solar and wind energy as agricultural commodities or farming.

13. Solar Energy

13.1. We support:

13.1.1. Solar energy generation as a component of the nation's energy portfolio;

13.1.2. Establishment of state standards for commercial solar energy conversion systems that protect private property rights and allow for reasonable development of projects;

13.1.3. Ensuring adequate funds are in place for decommissioning;

13.1.4. Allowing landowners the option of terminating a solar lease agreement if solar panels fail to produce energy for a period longer than 12 consecutive months; and

13.1.5. Efforts to prioritize siting of solar energy projects on marginal or underused lands.

11.2. We oppose giving public utility status to solar energy or solar energy development companies.

<u>TAXES</u>

439 / Taxation

7. Environmental and Renewable Energy Tax Issues

7.1. We support:

…

7.1.7. Tax policies that will create a diverse, domestic energy supply to spur economic growth while strengthening our energy security and bolstering rural economies;

7.1.8. Tax incentives for domestic renewable power, including wind power that are calculated on a standard Btu/kwh equivalent measurement basis without regard to the materials, methods or sources;

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