

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 417

As Amended by Senate Committee on
Agriculture and Natural Resources

Brief*

SB 417, as amended, would change the eminent domain authority of the Secretary of Wildlife and Parks (Secretary).

The bill would be in effect upon publication in the *Kansas Register*.

Eminent Domain Authority

The bill would remove the Secretary's authority to exercise eminent domain:

- To add state parks, state lakes, recreational areas, wildlife areas and sanctuaries, natural areas, fish hatcheries, and other lands, waters, and facilities as provided for in law; and
- For the purposes of protecting lands, waters and facilities, and their environs and preserving the view, appearance, light, air, health, and usefulness thereof by reselling the property with restrictions in the deeds of resale as will protect the property taken for such purposes.

The bill would authorize the Secretary to use eminent domain for the purpose of access to resources or land

*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>

already owned by the Kansas Department of Wildlife and Parks (KDWP).

Utilization of Proceeds

The bill would remove the ability of the Secretary to use proceeds arising from the resale of any property that was acquired through eminent domain for the purpose of improving lands, waters, and facilities under the jurisdiction and control of the Secretary.

Attorney General Discretion

The bill would allow the Attorney General, upon request of the Secretary, to have discretion on whether to proceed by proper actions to acquire by condemnation all lands or rights and all water or water rights required by KDWP.

Background

The bill was introduced by the Senate Committee on Agriculture at the request of Senator Peck.

Senate Committee on Agriculture and Resources

In the Senate Committee hearing, Senator Steffen and Representative Corbet provided **proponent** testimony, stating the statute is antiquated, and the power of eminent domain should never be allowed to be exercised by an unelected, appointed official. Written-only proponent testimony was provided by a representative of the Kansas Cattlemen's Association, the Office of the Attorney General, and a private citizen.

The Secretary provided neutral testimony and provided background information on how the KDWP was formed, the

historical use of eminent domain, and the restrictions on its use.

No other testimony was provided.

The Senate Committee amended the bill to:

- Retain KSA 32-840 [*Note:* The bill, as introduced, would have repealed the statute.];
- Remove provisions that specify the purposes for which the Secretary could take, use, or appropriate property and replace with language specifying the Secretary could take, use, or appropriate property for the purpose of access to resources or land already owned by the KDWP;
- Remove the ability of the Secretary to use proceeds from resale of property taken by eminent domain to improve land, water, and facilities under the Secretary's jurisdiction; and
- Provide the Attorney General the discretion to act on the Secretary's request.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill would have no fiscal effect.

Kansas Department of Wildlife and Parks; eminent domain; land access; resources access