

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairman John Vratil at 9:30 a.m. on March 6, 2003, in Room 123-S of the Capitol.

All members were present.

Committee staff present: Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor of Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Representative Kathy Decker (written only)
Stuart Little, Kansas Community Corrections Association (written only)
Randy Hearrell, Kansas Judicial Council
Gerald L. Goodell, Kansas Judicial Council
Phil Mellor, Wichita attorney
John Hamilton, Topeka Attorney
Vicky Johnson, Office of the Chief Council for KDOT
Sandy Jacquot, Kansas League of municipalities
Leonard Hall, City of Olathe
Rich Eckret, Shawnee County Counselor
Judy Moler, Kansas Association of Counties (written only)
Erik Sartorius, City of Overland Park (written only)

Others attending: see attached list

HB 2031 - Repealing the statute concerning wills containing formula martial clauses

Chairman Vratil opened the hearing on **HB 2031**. Randy Hearrell testified in support of this proposed legislation to repeal K.S.A. 59-624, and explained the reasons for repealing the outdated statute. (Attachment 1)

Having no other conferees to speak on the proposed bill, the Chair closed the hearing on **HB 2031**.

Senator Goodwin moved to recommend **HB 2031** favorably, seconded by Senator Donovan, and the motion carried.

HB 2032 - Eminent domain; interested parties; appeals; relocation assistance

The Chair opened the hearing on **HB 2032**. Gerald Goodell testified in support of **HB 2032** on behalf of the Kansas Judicial Council. He said that the bill was drafted by the Judicial Council Eminent Domain Advisory Committee, and explained the suggested amendments to the bill as detailed in his written testimony. He stated that the main change to the bill was in drafting a new section 3 relating to relocation expenses which the House Judiciary Committee adopted and the Council supports. (Attachment 2)

Conferee Mellor appeared before the Committee in support of **HB 2032**. He stated that relocation costs are limited to the actual and reasonable costs incurred based upon competitive bids. He gave some

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examples of the expense of businesses having to relocate. He said that it is unreasonable to expect a person whose property is taken and who is forced to relocate because of condemnation to personally bear the cost when it should be spread to the public at large. ([Attachment 3](#))

Committee questions and discussion followed. Chairman Vratil stated that this bill was very difficult to read. He provided additional information to the Committee in order to understand what the current law is in regard to an administrative appeal by the land owner. He explained that the House of Representatives changed this only with respect to procedure and provided that instead of going through an administrative appeal, the land owner could appeal the relocation award to the District Court and get a jury decision as to the amount of the relocation expenses.

The Chairman asked the next conferee, John Hamilton, to clarify how the House change the bill in regard to the relocation awards. He said that the bill as amended does not bring the condemning authority under the Act, but does establish the fact that payments and assistance for displaced persons equal to that provided under the Federal Uniform Act will be deemed reasonable. He stated that he preferred the bill as originally drafted. ([Attachment 4](#))

Vicky Johnson, Acting Chief Council for KDOT, appeared before the Committee in opposition to **HB 2032** as amended by the House Committee on Judiciary. She explained several issues relating to this bill in which KDOT had concerns. Ms. Johnson stated that KDOT preferred the bill as it was originally written. ([Attachment 5](#))

Sandy Jacquot, Kansas League of Municipalities (KLM), testified in opposition to this bill and the requirement of mandatory payments to displaced persons. She explained the problems that LKM saw with the way the bill was changed, and detailed these concerns in her written testimony. ([Attachment 6](#))

Leonard Hall, Assistant City Attorney for the City of Olathe, spoke in opposition to the bill as amended by the House Judiciary Committee. He said the bill also refers to sections in the federal laws that are not applicable to relocation assistance and payment. ([Attachment 7](#))

Judy Moler, Kansas Association of Counties, submitted written testimony in opposition to **HB 2032**. ([Attachment 8](#))

Erik Sartorius, City of Overland Park, submitted written testimony in opposition to **HB 2032**. ([Attachment 9](#))

After brief Committee discussion and questions, Chairman Vratil closed the hearing on **HB 2032**.

HB 2017 - Joint committee on corrections and juvenile justice oversight, extending sunset two years
Chairman Vratil opened the hearing on **HB 2017**. Senator Goodwin explained the context of the bill, and the reasons behind wanting to extend the Oversight Committee for two years.

Representative Kathe Decker submitted written testimony in support of **HB 2017**. ([Attachment 10](#))

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Stuart Little, on behalf of the Kansas Community Corrections Association, submitted written testimony in support of **HB 2017**. (Attachment 11)

The Chair closed the hearing on **HB 2017**.

The meeting adjourned at 10:30 a.m. The next scheduled meeting is March 7, 2003.