

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on March 8, 2007, in Room 123-S of the Capitol.

All members were present except:

Barbara Allen arrived, 9:40 A.M.
Phil Journey arrived, 9:37 A.M.
Derek Schmidt arrived, 9:38 A.M.
Greta Goodwin arrived, 9:39 A.M.
Donald Betts arrived, 9:37 A.M.

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Tim Madden, Senior Counsel, Department of Corrections

Others attending:

See attached list.

The Chairman opened the hearing on **HB 2193--Person committing new felony while on pretrial release for felony in another jurisdiction to be treated same as person on release for felony in Kansas.**

Tim Madden appeared in support, indicating this bill would treat persons who commit a new felony crime in Kansas while on bond for felony charges pending in another state the same as a person out on a bond for felony charges pending in Kansas (Attachment 1).

There being no further conferees, the hearing on **HB 2193** was closed.

The hearing on **HB 2230--Program agreements between secretary of corrections and inmates** was opened.

Tim Madden appeared in support, stating this bill would allow correctional officials to devote their time and resources toward case management of the offender, which includes program needs, while incarcerated and when released, rather than duplicating those activities in a separate agreement process (Attachment 2).

There being no further conferees, the hearing on **HB 2230** was closed.

The hearing on **HB 2232--Eliminating department of corrections reimbursement of jury fees** was opened.

Tim Madden appeared in support, indicating prosecutions of crimes committed by incarcerated offenders are made at the discretion of local county and district attorneys. Therefore, the expense of jury fees for prosecutions originating within a correctional facility should be borne by the county. Mr. Madden noted that the location of a correctional facility in a community is an economic benefit to that community compared to the relatively small expense of jury fees (Attachment 3).

There being no further conferees, the hearing on **HB 2232** was closed.

The Chairman opened the hearing on **HB 2233--Authorizing sale of prison-made goods to state employees.**

Tim Madden appeared in support, stating this bill would amend the provisions of the Prison Made Goods Act to authorize the sale of inmate produced goods and services to state employees for their personal use. Mr. Madden indicated a 2006 pilot program proved to be successful and this will expand the potential client base for KCI goods and services (Attachment 4).

There being no further conferees, the hearing on **HB 2233** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on March 8, 2007, in Room 123-S of the Capitol.

The Chairman indicated that the four bills previously heard appeared to be fairly straightforward with very few questions and if there were no objections the committee would take final action on the bills.

The Chairman called for final action on **HB 2193--Person committing new felony while on pretrial release for felony in another jurisdiction to be treated same as person on release for felony in Kansas.**

There were no amendments or comments. Senator Donovan moved, Senator Bruce seconded, to recommend HB 2193 favorably for passage. Motion carried.

Final action on **HB 2230--Program agreements between secretary of corrections and inmates.**

There were no amendments or comments. Senator Bruce moved, Senator Lynn seconded, to recommend HB 2230 favorably for passage. Motion carried.

Final action on **HB 2232--Eliminating department of corrections reimbursement of jury fees.**

There were no amendments or comments. Senator Donovan moved, Senator Umbarger seconded, to recommend HB 2232 favorably for passage and place it on the consent calendar. Motion carried.

Final action on **HB 2233--Authorizing sale of prison-made goods to state employees.**

There were no amendments or comments. Senator Goodwin moved, Senator Umbarger seconded, to recommend HB 2233 favorably for passage. Motion carried.

The Chairman called for final action on **HB 2190--Granting the secretary of corrections the discretion to dismiss conditional release violations.**

Chairman Vratil reviewed the bill. There were no proposed amendments. There were questions from the committee on providing this type of authority to an appointed public official rather than one who is elected.

Senator Betts moved, Senator Donovan seconded, to recommend HB 2190 favorably for passage. Motion carried. Senator Schmidt voted "no" and requested his vote recorded.

Final action on **SB 296--Eminent domain; blighted property defined** continued.

Senator Journey reviewed his proposed amendment distributed on March 7 (Attachment 5). Senator Goodwin commented the amendment may prove difficult for small towns and cities. Following further discussion, Senator Journey moved, Senator Lynn seconded, to adopt the proposed balloon amendment. Senator Schmidt made a substitute motion to amend the New Section 2, line 10, by striking. "Such" and inserting the word "which" and striking the language on line 13, "Except that, if there is no nonprofit corporation meeting such seven-year requirement, the municipality may sell or otherwise transfer such" and inserting the word "or" and striking the language beginning on line 19 "Such nonprofit corporation shall require a purchaser of the residential property to reside in the dwelling for at least five years from the sate of the conveyance. Senator Journey seconded. Motion carried. Senator Goodwin voted "no" and requested her vote recorded.

The Chairman indicated a proposed amendment from Mary Jane Stankiewicz, Kansas Grain & Feed, attached to her testimony of March 1 (Attachment 6). Senator Donovan indicated an additional change to include the insertion of the word "pesticide" following "sell fertilizer,". Senator Donovan moved, Senator Umbarger seconded, to adopt the proposed amendment as described by Senator Vratil. Motion carried.

Final action on **SB 296** will continue at a later date.

The meeting adjourned at 10:28 A.M. The next scheduled meeting is March 12, 2007.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-8-07

NAME	REPRESENTING
DAVID KLEPPER	KC STAR
John Donley	KS Lusk. Ass'n.
John May	JRS
Debra Pascoe	SKL
Amy Johnson	SKL
BRANDON BOHNING	WHITNEY DAMRON (PA)
Jeff Bo Henberg	Polsinelli, Shalton, Florigos, ^{See House}
KARL WALSH	Office of Judicial Admin.
Katie Subang	Kearney & Associates
Anley Jones	Creator, Kansas City LISC
Sandy Jacquot	CKM
MIKE Taylor	Unified Gov
Mary Jane Stankewicz	KARA
Jessie Kaufman	Ks Co-op Council
ERIK SARTORIUS	City of OVERLAND PARK

Testimony on HB 2193
to
The Senate Judiciary Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
March 8, 2007

The Department of Corrections urges favorable consideration of HB 2193. HB 2193 was passed by the House by a vote of 124-0. HB 2193 would treat persons who commit a new felony crime in Kansas while on bond for felony charges pending in another state, the same as those persons who were out on a bond for felony charges pending in Kansas during the commission of the new felony offense. Currently, K.S.A. 21-4603d(f) allows for the imposition of a prison sentence for what would otherwise be a presumed nonprison sentence due to the offender having committed the new crime while out on bond only if the bond was for a Kansas felony charge. HB 2193 would permit a Kansas judge to sentence a defendant to prison if that defendant committed the new Kansas crime while out on bond for a felony charge pending in any state.

K.S.A. 21-4603d(f) permits a Kansas judge to sentence a defendant to prison for a new felony crime if at the time of the commission of the new crime, the defendant was on release for a felony pursuant to article 28 of chapter 22 of the Kansas Statutes Annotated even if the sentence for the new crime otherwise presumes a nonprison disposition. A sentence of imprisonment would not constitute a departure. However, due to the specific reference in K.S.A. 21-4603d(f) to releases pursuant to article 28 of chapter 22 of Kansas law, the Kansas Court of Appeals in State v. Voss, case no. 94,089 (2006) 137 P.3d 1077; 2006 Kan. App. LEXIS 659 held that provision did not apply to a defendant who had been released on pending felony charges from another state. Article 28 of chapter 22 provides for the release of defendants prior to trial or while their case is on appeal.

HB 2193 would permit a Kansas sentencing judge to impose a prison sentence upon a defendant who is convicted of a Kansas felony irrespective of whether the defendant committed the new crime while on a release bond issued by a Kansas court or that of another jurisdiction.

The Department urges favorable consideration of HB 2193.

Testimony on HB 2230
to
The Senate Judiciary Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
March 8, 2007

The Department of Corrections supports HB 2230. HB 2230 was passed by the House 124-0. HB 2230 would amend K.S.A. 75-5210a to modify the requirement that agreements regarding the programs that must be completed in order for the inmate to be prepared for release be entered into between the department and offenders upon the beginning of the service of a sentence in the department's custody. HB 2230 would continue that practice for inmates serving indeterminate or off-grid sentences. However, HB 2230 would repeal that requirement for offenders serving indeterminate sentences. Nonetheless, all inmates will continue to be evaluated and their program needs assessed by the department. That evaluation and assessment would be part of the continuing process of the case management of the offender.

K.S.A. 75-5210a was enacted in 1988. At that time, Kansas utilized indeterminate sentencing and the release of inmates was subject to decision of the Parole Board. K.S.A. 75-5210a was supported by the department as a method for providing uniformity to the issue of what programs an inmate should participate in while incarcerated. Since the department evaluated the programming needs of inmates and designed the programs offered in prison, K.S.A. 75-5210a established that program agreements would be between the inmate and the department, with the department agreeing to report the inmate's participation or lack of participation to the Board. Thus, K.S.A. 75-5210a provided to the inmate a designation of his or her program needs from a single entity, the Department of Corrections. The utility of having a single entity determine an inmate's program needs and avoiding conflicting recommendations from the Parole Board and the department continues in regarding to indeterminate and off grid sentences which still involve the Parole Board in determining whether an offender should be released from incarceration.

With the adoption of Guidelines Sentencing, statutes regarding parole were uniformly amended to also include references to postrelease supervision created by determinate sentencing. However, in regard to K.S.A. 75-5210a, a statutory provision that addresses program participation relevant to parole consideration is unnecessary for a determinate sentence since whether and when an offender sentenced to a determinate sentence is to be released is not determined by the Parole Board. HB 2230 would allow correctional officials to devote their time and resources toward the case management of the offender, which includes program needs both while incarcerated and when released, rather than duplicating those activities in a separate agreement process.

It is important to note that HB 2230 does not restrict the supervision conditions that can be imposed by the Parole Board upon persons released either on parole or postrelease supervision. See K.S.A. 22-3717 which will continue to authorize the Board to impose any conditions upon postreleasees they deem necessary to insure public safety or aid in the reintegration of the inmate into the community.

Testimony on HB 2232
to
The Senate Judiciary Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
February 28, 2007

The Department of Corrections supports HB 2232. HB 2232 repeals the provision of K.S.A. 22-3801(c) regarding the department paying the jury fees incurred in a criminal prosecution for a crime committed in a correctional institution. Payment of jury fees by the department pursuant to that statute is contingent upon appropriations for that purpose. Historically, the department has never received an appropriation for the payment of jury fees. HB 2232 passed in the House by a vote of 113 to 11.

K.S.A. 22-3801 establishes the general rule that in all criminal cases, jury fees are to be paid by the county. The exception to the general rule, which requires payment of those fees by the department subject to appropriation, creates an unfunded expectation on the part of counties that the department will pay jury fees since there is no appropriation for that purpose. HB 2232 would negate any false expectation or confusion caused by the current version of K.S.A. 22-3801(c).

Criminal prosecutions of crimes committed by incarcerated offenders are at the discretion of local county and district attorneys. Additionally, the siting of a correctional facility in a community is an economic benefit to that community. Thus, the department believes that the relatively small expense of jury fees for prosecutions originating within a correctional facility should be born by the host community as is the case for all other crimes committed within the county. The department believes this opinion is shared by the legislature due to the absence of appropriations for those expenses.

Testimony on HB 2233
to
The Senate Judiciary Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
March 8, 2007

The Department supports HB 2233. HB 2233 was passed by the House 124-0. HB 2233 would amend the provisions of the Prison Made Goods Act specifically, K.S.A. 75-5275 and 75-5276, to authorize the sale of inmate produced goods and services to state employees for their personal use. HB 2233 also makes a technical change regarding the processing of payments for prison made goods and services by repealing the requirement that all purchases are to be made through the Department of Administration through requisitions.

The Prison Made Goods Act is the basis for the operation of the department's Correctional Industries program. Correctional Industries employs inmates in a work environment mirroring that found in the community. Industry employment of inmates reduces idleness in correctional facilities and aids in the inmate's reentry into the community. Deductions are made from the inmate's wages to pay for his or her incarceration, profits are used for departmental operations, and inmates are required to save a portion of their pay for use upon release. Additionally, KCI employment provides work training and experience necessary for the successful reentry of the offender into the community.

Currently, the department is authorized to sell prison made goods and services to governmental entities and charitable organizations. However, the 2006 Legislature authorized a pilot program exempting two regent universities from the purchase requirements of the Prison Made Goods Act. HB 2233 would serve to expand the potential client base for KCI goods and services.

Repeal of the provision regarding the processing of requisitions through the Department of Administration would not prevent the use of interagency vouchers; however deletion of that provision would recognize that units of government other than the state and charitable entities do not make their payments through the Department of Administration.

SENATE BILL No. 296

By Committee on Federal and State Affairs

2-6

9 AN ACT relating to eminent domain; concerning blighted property;
10 amending K.S.A. 2006 Supp. 26-501b and repealing the existing
11 section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 26-501b is hereby amended to read as
15 follows: 26-501b. On and after July 1, 2007, the taking of private property
16 by eminent domain for the purpose of selling, leasing, or otherwise trans-
17 ferring such property to any private entity is authorized if the taking is:

18 (a) By the Kansas department of transportation or a municipality and
19 the property is deemed excess real property that was taken lawfully and
20 incidental to the acquisition of right-of-way for a public road, bridge or
21 public improvement project including, but not limited to a public build-
22 ing, park, recreation facility, water supply project, wastewater and waste
23 disposal project, storm water project and flood control and drainage
24 project;

25 (b) by any public utility, as defined in K.S.A. 66-104, and amend-
26 ments thereto, gas gathering service, as defined in K.S.A. 55-1,101, and
27 amendments thereto, pipe-line companies, railroads and all persons and
28 associations of persons, whether incorporated or not, operating such
29 agencies for public use in the conveyance of persons or property within
30 this state, but only to the extent such property is used for the operation
31 of facilities necessary for the provision of services;

32 (c) by any municipality when the private property owner has acqui-
33 esced in writing to the taking;

34 (d) by any municipality for the purpose of acquiring property which
35 has defective or unusual conditions of title including, but not limited to,
36 clouded or defective title or unknown ownership interests in the property;

37 (e) by any municipality for the purpose of acquiring property which
38 is unsafe for occupation by humans under the building codes of the ju-
39 risdiction where the structure is situated;

40 (f) expressly authorized by the legislature on or after July 1, 2007, by
41 enactment of law that identifies the specific tract or tracts to be taken. If
42 the legislature authorizes eminent domain for private economic devel-
43 opment purposes, the legislature shall consider requiring compensation

Senate Judiciary
3-8-07
Attachment 5

- 1 of at least 200% of fair market value to property owners;
- 2 (g) *by any municipality, within the corporate boundary of such mu-*
3 *nicipality, for the purpose of remediating blight. As used in this section,*
4 *“blighted property,” “blighted” or “blight” means any developed property*
5 *which:*
- 6 (1) *Presents any of the following conditions:*
- 7 (A) *Uninhabitable, unsafe or abandoned structures;*
- 8 (B) *inadequate provisions for ventilation, light, air or sanitation;*
- 9 (C) *an imminent harm to life or other property caused by fire, flood,*
10 *tornado, storm or other natural catastrophe and the property owner has*
11 *failed to take reasonable measures to remedy the harm;*
- 12 (D) *a site identified by the federal environmental protection agency*
13 *as a superfund site pursuant to 42 U.S.C. § 9601, et seq., or environmental*
14 *contamination to an extent that requires remedial investigation or a feas-*
15 *ibility study;*
- 16 (E) *repeated illegal activities involving controlled substances, prosti-*
17 *tution or promoting prostitution on the individual property of which the*
18 *property owner knew or should have known; or*
- 19 (F) *the maintenance of the property remains in violation of state law*
20 *or municipal nuisance code requirements and has received at least three*
21 *notices for code violations within one year and such code violations have*
22 *been abated by the municipality, except that this paragraph shall not*
23 *apply to the removal or abatement of grass, weeds or other vegetation*
24 *from such property.*
- 25 (2) *Property shall not be deemed blighted because of esthetic*
26 *conditions.*
- 27 (3) *In no case shall land that is agricultural land be determined to be*
28 *in a blighted condition.*
- 29 (4) *For the purposes of this subsection:*
- 30 (A) *“Agricultural land” means any interest in real property that is*
31 *privately owned and satisfies any one of the following criteria:*
- 32 (i) *Is classified pursuant to article 11, section 1, of the Kansas con-*
33 *stitution as devoted to agricultural use;*
- 34 (ii) *is a feedlot, confined feeding facility or public livestock market;*
35 *or*
- 36 (iii) *is a farm home.*
- 37 (B) *“Confined feeding facility” means any lot, pen, pool or pond:*
- 38 (i) *Which is used for the confined feeding of animals or fowl for food,*
39 *fur or pleasure purposes;*
- 40 (ii) *which is not normally used for raising crops; and*
- 41 (iii) *in which no vegetation intended for animal food is growing.*
- 42 (C) *“Corporate boundary” means the jurisdictional boundary of the*
43 *municipality, specifically the city limits or county line, and does not in-*

1 clude an urban growth area or area designated by a planning or zoning
2 commission in accordance with K.S.A. 12-754, and amendments thereto.

3 (D) "Farm home" means any tract of land which contains a single-
4 family residence, is adjacent to agricultural land and is occupied by an
5 individual or individuals engaged in farming operations.

6 (E) "Farming" means the cultivation of land for the production of
7 agricultural crops, the raising of poultry, the production of eggs, the pro-
8 duction of milk, the production of fruit, sod, or other horticultural crops,
9 grazing or the production of livestock.

10 (F) "Feedlot" means a lot, yard, corral, confined feeding facility or
11 other area in which livestock are fed for slaughter and are confined and
12 such additional acreage as is necessary for the operation of the feedlot.

13 (G) "Livestock" means cattle, sheep, swine, horses, mules, asses,
14 goats, aquatic animals, domesticated deer, all creatures of the ratite family
15 that are not indigenous to this state, including, but not limited to, os-
16 triches, emus and rheas, and any other animal which can or may be used
17 in and for the preparation of meat or meat products.

18 ~~(g)~~ (h) This section shall be part of and supplemental to the eminent
19 domain procedure act.

20 Sec. 2. K.S.A. 2006 Supp. 26-501b is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the Kansas register.

New Sec. 2. (a) When a municipality authorizes the taking of private residential property by eminent domain under subsection (g) of K.S.A. 2006 Supp. 26-501b, and amendments thereto, it shall sell or otherwise transfer such property to a nonprofit corporation as defined in K.S.A. 17-5903, and amendments thereto, for the purpose of providing single or multi-family residential dwellings. Such nonprofit corporation shall have been rehabilitating or repairing residences for at least seven years. Except that, if there is no nonprofit corporation meeting such seven-year requirement, the municipality may sell or otherwise transfer such property to a nonprofit organization meeting the state of Kansas community housing development organization (CHDO) requirements. Such nonprofit corporation shall require a purchaser of the residential property to reside in the dwelling for at least five years from the date of the conveyance.

(b) When a municipality authorizes the taking of commercial property by eminent domain under subsection (g) of K.S.A. 2006 Supp. 26-501b, and amendments thereto, it must hold a public sale following procedures provided by K.S.A. 3-143, and amendments thereto.

and renumber the following sections accordingly

3-143. Same; negotiations; bids; deeds. Before transferring and conveying said real estate, the governing bodies of said cities shall negotiate a sale or sales of such real estate, and no sale thereof shall be completed and conveyance made until: (1) Said governing bodies shall have solicited sealed bids by public notice inserted once each week in the official city newspaper of said cities for three consecutive weeks, and such sale shall be to the highest responsible bidder after such notice, except that said governing bodies may reject any and all bids, and in any such case, new bids may be called for as in the first instance; and (2) said bid has been accepted and resolutions accepting the same made a part of the records of said governing bodies. Thereupon, said cities by their respective mayors and city clerks are hereby authorized to make, execute and deliver a good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof.

SENATE BILL No. 296

By Committee on Federal and State Affairs

2-6

9 AN ACT relating to eminent domain; concerning blighted property;
10 amending K.S.A. 2006 Supp. 26-501b and repealing the existing
11 section.

12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 26-501b is hereby amended to read as
15 follows: 26-501b. On and after July 1, 2007, the taking of private property
16 by eminent domain for the purpose of selling, leasing, or otherwise trans-
17 ferring such property to any private entity is authorized if the taking is:

18 (a) By the Kansas department of transportation or a municipality and
19 the property is deemed excess real property that was taken lawfully and
20 incidental to the acquisition of right-of-way for a public road, bridge or
21 public improvement project including, but not limited to a public build-
22 ing, park, recreation facility, water supply project, wastewater and waste
23 disposal project, storm water project and flood control and drainage
24 project;

25 (b) by any public utility, as defined in K.S.A. 66-104, and amend-
26 ments thereto, gas gathering service, as defined in K.S.A. 55-1,101, and
27 amendments thereto, pipe-line companies, railroads and all persons and
28 associations of persons, whether incorporated or not, operating such
29 agencies for public use in the conveyance of persons or property within
30 this state, but only to the extent such property is used for the operation
31 of facilities necessary for the provision of services;

32 (c) by any municipality when the private property owner has acqui-
33 esced in writing to the taking;

34 (d) by any municipality for the purpose of acquiring property which
35 has defective or unusual conditions of title including, but not limited to,
36 clouded or defective title or unknown ownership interests in the property;

37 (e) by any municipality for the purpose of acquiring property which
38 is unsafe for occupation by humans under the building codes of the ju-
39 risdiction where the structure is situated;

40 (f) expressly authorized by the legislature on or after July 1, 2007, by
41 enactment of law that identifies the specific tract or tracts to be taken. If
42 the legislature authorizes eminent domain for private economic devel-
43 opment purposes, the legislature shall consider requiring compensation

1 of at least 200% of fair market value to property owners;
2 (g) by any municipality, within the corporate boundary of such mu-
3 nicipality, for the purpose of remediating blight. As used in this section,
4 "blighted property," "blighted" or "blight" means any developed property
5 which:

- 6 (1) Presents any of the following conditions:
- 7 (A) Uninhabitable, unsafe or abandoned structures;
- 8 (B) inadequate provisions for ventilation, light, air or sanitation;
- 9 (C) an imminent harm to life or other property caused by fire, flood,
10 tornado, storm or other natural catastrophe and the property owner has
11 failed to take reasonable measures to remedy the harm;
- 12 (D) a site identified by the federal environmental protection agency
13 as a superfund site pursuant to 42 U.S.C. § 9601, et seq., or environmental
14 contamination to an extent that requires remedial investigation or a feas-
15 ibility study;
- 16 (E) repeated illegal activities involving controlled substances, prosti-
17 tution or promoting prostitution on the individual property of which the
18 property owner knew or should have known; or
- 19 (F) the maintenance of the property remains in violation of state law
20 or municipal nuisance code requirements and has received at least three
21 notices for code violations within one year and such code violations have
22 been abated by the municipality, except that this paragraph shall not
23 apply to the removal or abatement of grass, weeds or other vegetation
24 from such property.

25 (2) Property shall not be deemed blighted because of esthetic
26 conditions.

27 (3) In no case shall land that is agricultural land be determined to be
28 in a blighted condition.

29 (4) For the purposes of this subsection:
30 (A) "Agricultural land" means any interest in real property that is
31 privately owned and satisfies any one of the following criteria:

- 32 (i) Is classified pursuant to article 11, section 1, of the Kansas con-
33 stitution as devoted to agricultural use;
- 34 (ii) is a feedlot, confined feeding facility or public livestock market;
35 or
- 36 (iii) is a farm home.

37 (B) "Confined feeding facility" means any lot, pen, pool or pond:

- 38 (i) Which is used for the confined feeding of animals or fowl for food,
39 fur or pleasure purposes;
- 40 (ii) which is not normally used for raising crops; and
- 41 (iii) in which no vegetation intended for animal food is growing.
- 42 (C) "Corporate boundary" means the jurisdictional boundary of the
43 municipality, specifically the city limits or county line, and does not in-

31 Agricultural Retail
32 Facility means any
33 facility operated by
34 any person, entity or
35 corporation that is
36 licensed or registered
37 with the Kansas depart-
38 ment of agriculture
39 to handle, process or
40 sell fertilizer,
41 anhydrous ammonia or
42 any other agricultural
43 chemical used in the
production of agriculture.

(iv) public grain
warehouse;
(v) agricultural
retail facility.

1 *clude an urban growth area or area designated by a planning or zoning*
2 *commission in accordance with K.S.A. 12-754, and amendments thereto.*

3 (D) *“Farm home” means any tract of land which contains a single-*
4 *family residence, is adjacent to agricultural land and is occupied by an*
5 *individual or individuals engaged in farming operations.*

6 (E) *“Farming” means the cultivation of land for the production of*
7 *agricultural crops, the raising of poultry, the production of eggs, the pro-*
8 *duction of milk, the production of fruit, sod, or other horticultural crops,*
9 *grazing or the production of livestock.*

10 (F) *“Feedlot” means a lot, yard, corral, confined feeding facility or*
11 *other area in which livestock are fed for slaughter and are confined and*
12 *such additional acreage as is necessary for the operation of the feedlot.*

13 (G) *“Livestock” means cattle, sheep, swine, horses, mules, asses,*
14 *goats, aquatic animals, domesticated deer, all creatures of the ratite family*
15 *that are not indigenous to this state, including, but not limited to, os-*
16 *triches, emus and rheas, and any other animal which can or may be used*
17 *in and for the preparation of meat or meat products.*

18 ~~(g)~~ (h) This section shall be part of and supplemental to the eminent
19 domain procedure act.

20 Sec. 2. K.S.A. 2006 Supp. 26-501b is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the Kansas register.

(H) "Public grain
warehouse means an ele-
vator or other building
in which grain is received
received for storage
or transfer for the
public.