

STATE OF KANSAS

STATE CAPITOL
TOPEKA, KANSAS 66612
(785) 296-6981
mark.steffen@senate.ks.gov



TOPEKA
SENATE CHAMBER

MARK STEFFEN, M.D.
SENATOR 34TH DISTRICT
3500 N. MAYFIELD RD.
HUTCHINSON, KS 67502

February 7th, 2024

SB 417- Oral Proponent Testimony

Fellow Senators,

I stand in support of SB 417. This statute dating back to 1927 has become antiquated and frankly, was never appropriate. Read KSA 32-840 carefully. Assess the excuses afforded an appointed government bureaucrat by which they are allowed to whimsically take private land from the rightful owner. Preserving the view, appearance, light, and air are never acceptable reasons to invoke eminent domain. The statute even goes further in that it forces our elected Attorney General to carry out the will of this appointed bureaucrat.

Our citizens of Kansas are currently very sensitive to the idea of eminent domain. The reason for this sensitivity is best explained in an excerpt from a Hillsdale College article:

“.... Property rights have long been linked with individual liberty. “Property must be secured,” John Adams succinctly observed in 1790, “or liberty cannot exist.” An economic system grounded on respect for private ownership tends to diffuse power and to strengthen individual autonomy from government. Property was therefore traditionally seen as a safeguard of liberty because it set limits on the reach of legitimate government. By helping to preserve the economic independence of individuals, secure private property encourages participation in the political process and willingness to challenge governmental policy. Viewed in this light, the ownership of property represents personal empowerment. As one prominent historian described American society as it neared the break with England, “Men were equal in that no one of them should be dependent on the will of another, and property made this independence possible. Americans in 1776 therefore concluded that they were naturally fit for republicanism precisely because they were ‘a people of property; almost every man is a freeholder’.”

In conclusion:

- 1) This statute is old (1927).
- 2) This statute was never a good idea.
- 3) Imminent domain is a dicey deal that erodes the fiber of a free society.
- 4) Imminent domain must not be allowed to be used whimsically.
- 5) An appointed bureaucrat must not have unfettered imminent domain powers.
- 6) An appointed bureaucrat should not have control over our elected Attorney General.

Please vote YES on SB 417

Senator Mark Steffen, M.D.