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**Senate Committee on Agriculture and Natural Resources  
Testimony in Support of SB 417  
February 13, 2024**

Chairman Peck and Members of the Committee:

The Office of the Attorney General is broadly in support of SB 417. While we leave to the wisdom of the Legislature whether to remove all of the Secretary of Wildlife and Parks' eminent domain authority (as the proposed bill does), we are strongly in favor of removing the authority granted by K.S.A. 32-840(b).

The problem with subsection (b) is that it authorizes the Secretary to take land from one property owner and then turn around and sell it to another private individual with environmental restrictions in the deed. The subsection simply declares that such temporary taking of property is for "public use" when, in fact, it is not. Such condemnation-plus-resale of private property is constitutionally suspect. While some courts have approved similar arrangements, the Framers of the Constitution never envisioned that the eminent domain power should be used in this way. And there is certainly no reason we should authorize it in our statutes; the Legislature should be a bulwark against infringements of rights just as much as the courts.

***Abhishek Kampli***

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