

Approved: May 22, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on January 18, 2012, in Room 548-S of the Capitol.

All members were present except Senator King, who was excused.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Katherine McBride, Office of the Revisor of Statutes
Robert Allison-Gallimore, Kansas Legislative Research Department
Lauren Douglass, Kansas Legislative Research Department
Theresa Kiernan, Committee Assistant

Conferees appearing before the Committee:

Alice Adams, Clerk of the District Court, Geary County, Kansas Association of District Court
Clerks and Administrators (KADCCA)
Dustin Bradley, Staff Attorney, KDOT

Others attending:

See attached list.

The Chairman turned the Committee's attention to **HB 2070 – Requiring plaintiff or plaintiff's attorney to notify defendants of payment of appraisers' award within 15 days**. The Chairman reminded the members a hearing had been held on the bill during the 2011 Legislative session. Jason Thompson, Staff Revisor, reviewed the bill. He stated the bill, as introduced, would require the plaintiff or the plaintiff's attorney to provide notice of the appraisers' award in lieu of the clerk of the district court. An amendment by the House Committee of the Whole (HCW) would prohibit the Kansas Department of Transportation (KDOT) from appealing the appraisers' award; the prohibition would apply to all eminent domain proceedings pending on or commencing after January 1, 2009.

Mr. Thompson distributed copies of balloon amendments to **HB 2070 (Attachment 1)**, which would delete the provision relating to KDOT and also make technical and conforming amendments to the policy contained in the bill, as introduced. The amendment was prepared at the request of the KADCCA.

Alice Adams testified in support of **HB 2070 (Attachment 2)** in its original version and requested the Committee to delete the provision which denies KDOT the right to appeal.

Dustin Bradley testified in support of the amendment suggested by Ms. Adams and the KADCCA (**Attachment 3**).

CONTINUATION SHEET

Minutes of the Senate Judiciary Committee at 9:35 a.m. on January 18, 2010, in Room 548-S of the Capitol.

In response to a question by Senator Vratil, Mr. Bradley stated the amendment by the HCW was added to address a situation in Finney County that involved 19 tracts of land. He stated, "If the bill is enacted with the amendment by the HCW, a jury trial and 15 settlements would be invalidated." He added the amendment eliminates the only check that appraisers' awards comply with common law and other state and federal laws

The Chairman stated he would defer action on the bill until a later date.

The next meeting is scheduled for January 19, 2012.

The meeting was adjourned at 10:25 a.m.