

SESSION OF 2004

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2594

As Amended by Senate Committee on
Agriculture

Brief*

HB 2594 amends the port authority law to provide that no port authority shall modify, amend, or extend the port authority's official plan as originally adopted by the port authority to change the purpose for which it was created or alter the character of the work undertaken without subsequent approval of the Kansas Legislature by resolution. The bill requires that a port authority clearly state the purpose for which it is to be created and the character of the work to be undertaken as part of its official plan.

The bill provides that neither Cowley County nor a port authority shall have the right of eminent domain to acquire any land or site in Cowley County for which at least one of the purposes is a recreational-use purpose. If a port authority exercises the right of eminent domain to acquire any land or site in Cowley County, the land or site shall be used only for the public purpose stated in the port authority's original official plan and there shall be no private development on any land or site for a period of 30 years after the acquisition of any land or site. Neither Cowley County nor a port authority shall exercise the right of eminent domain to acquire any land or site prior to a showing that all required state and federal permits to use or develop any such land or site in the manner specified in the port authority's official plan have been obtained.

The county home rule law is also amended to prevent any county from exempting itself from the law.

Background

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

This bill was originally SB 461, as amended by Senate Committee on Judiciary.

SB 461 was supported by the Senators Greta Goodwin and Robert Tyson, the Kansas Farm Bureau, the Kansas Livestock Association, Save Our Industries and Land, the Sierra Club, the Cowley County Farm Bureau, and Cowley County landowners.

SB 461 was opposed by the League of Kansas Municipalities, Sedgwick County, and the Regional Area Economic Partners of South Central Kansas.

The Senate Committee on Agriculture amended the provisions of SB 461, as amended by the Senate Judiciary Committee, into HB 2594.