

HOUSE BILL No. 2276

By Committee on Judiciary

2-10

1 AN ACT concerning the eminent domain procedure act; amending K.S.A.
2 26-509 and K.S.A. 2014 Supp. 26-501b and repealing the existing
3 sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 26-501b is hereby amended to read as
7 follows: 26-501b. On and after July 1, 2007, the taking of private property
8 by eminent domain for the purpose of selling, leasing, or otherwise
9 transferring such property to any private entity is authorized if the taking
10 is:

11 (a) By the Kansas department of transportation or a municipality and
12 the property is deemed excess real property that was taken lawfully and
13 incidental to the acquisition of right-of-way for a public road, bridge or
14 public improvement project including, but not limited to a public building,
15 park, recreation facility, water supply project, wastewater and waste
16 disposal project, storm water project and flood control and drainage
17 project;

18 (b) by any public utility, as defined in K.S.A. 66-104, and
19 amendments thereto, gas gathering service, as defined in K.S.A. 55-1,101,
20 and amendments thereto, pipe-line companies, railroads and all persons
21 and associations of persons, whether incorporated or not, operating such
22 agencies for public use in the conveyance of persons or property within
23 this state, but only to the extent such property is used for the operation of
24 facilities necessary for the provision of services;

25 (c) by any municipality when the private property owner has
26 acquiesced in writing to the taking;

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

30 *or*

31 (e) by any municipality for the purpose of acquiring property which is
32 unsafe for occupation by humans under the building codes of the
33 jurisdiction where the structure is situated;

34 ~~(f) expressly authorized by the legislature on or after July 1, 2007, by~~
35 ~~enactment of law that identifies the specific tract or tracts to be taken. If~~
36 ~~the legislature authorizes eminent domain for private economic~~

1 ~~development purposes, the legislature shall consider requiring~~
2 ~~compensation of at least 200% of fair market value to property owners.~~

3 ~~(g)~~ (f) This section shall be part of and supplemental to the eminent
4 domain procedure act.

5 Sec. 2. K.S.A. 26-509 is hereby amended to read as follows: 26-509.

6 In an action on appeal the court shall assign the case for trial to a jury, or
7 to a master in accordance with K.S.A. 60-253, ~~or acts amendatory thereof~~
8 ~~or supplemental and amendments~~ thereto. Whenever the plaintiff
9 condemner shall appeal the award of court appointed appraisers; and the
10 jury renders a verdict for the landowners in an amount greater than ~~said~~
11 ~~the~~ appraisers' award, the court ~~may~~ shall allow as court costs an amount
12 to be paid to the landowner's attorney as attorney fees.

13 Sec. 3. K.S.A. 26-509 and K.S.A. 2014 Supp. 26-501b are hereby
14 repealed.

15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.