Attorney General

2018 Update to Guidelines for Takings of Private Property

The Private Property Protection Act, K.S.A. 77-701 et seq., requires the Attorney General to compile and annually update guidelines to be used by state agencies in determining whether proposed government actions may constitute a taking of private property. These guidelines are to be based on cases decided by the United States Supreme Court and the Kansas Supreme Court.\(^1\) Government action is defined as legislation, regulations or directives, or agency guidelines and procedures for the issuing of licenses or permits.\(^2\) The Act expressly excludes other types of activity, such as the formal exercise of eminent domain.\(^3\)

Under the criteria of the Act, there are no cases to include in the 2018 update to the Attorney General’s Guidelines.\(^4\)

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\(^{1}\) K.S.A. 77-704.
\(^{2}\) K.S.A. 77-703(b)(1).
\(^{3}\) K.S.A. 77-703(b)(2).
\(^{4}\) The original guidelines are published at 14 Kan. Reg. 1690-92 (Dec. 21, 1995).