

## **Attorney General**

### **2019 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.<sup>1</sup> Government action is defined as legislation, regulations or directives, or agency guidelines and procedures for the issuing of licenses or permits.<sup>2</sup> The Act expressly excludes other types of activity, such as the formal exercise of eminent domain.<sup>3</sup>

Under the criteria of the Act, there are no cases to include in the 2019 update to the Attorney General's Guidelines.<sup>4</sup>

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<sup>1</sup> K.S.A. 77-704.

<sup>2</sup> K.S.A. 77-703(b)(1).

<sup>3</sup> K.S.A. 77-703(b)(2).

<sup>4</sup> The original guidelines are published at 14 Kan. Reg. 1690-92 (Dec. 21, 1995).