

2016 Kansas Statutes

77-703. Definitions. On and after January 1, 1996, as used in this act, unless the context requires otherwise:

(a) "Take" or "taking" means, due to a governmental action, private property is taken or its use is restricted or limited by a governmental action such that compensation to the owner of the property is required by the fifth or 14th amendment of the constitution of the United States or section 18 of the bill of rights of the constitution of the state of Kansas.

(b) (1) "Governmental action" means any of the following actions by a state agency which may constitute a taking:

- (A) Proposed legislation;
- (B) proposed rules and regulations or directives; or
- (C) proposed agency guidelines and procedures concerning the process of issuing licenses or permits;

(2) "Governmental action" does not include:

(A) Activity in which the power of eminent domain is formally exercised;

(B) the repeal of rules and regulations, elimination of governmental programs, or amendment of rules and regulations such that limitations on the use of private property are reduced or removed;

(C) law enforcement activities involving seizure or forfeiture of private property for violations of law or as evidence in criminal proceedings; and

(D) state agency action, authorized by statute or by valid court order, in response to a violation of state law.

(c) "Private property" means any real property or interest arising from or relating to any real property in this state that is protected by the fifth or 14th amendment of the constitution of the United States or section 18 of the bill of rights of the constitution of the state of Kansas.

(d) "State agency" means an officer, department, division or unit of the executive branch of the state of Kansas authorized to propose, adopt or enforce rules and regulations. "State agency" shall not include the legislative or judicial branches of the state of Kansas or any political or taxing subdivision of the state of Kansas.

History: L. 1995, ch. 170, § 3; July 1.