

Attorney General

2022 Update to Guidelines for Evaluating Proposed Governmental Actions to Identify Potential 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 guidelines¹ 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.² Government action is defined as legislation, regulations or directives, or agency guidelines and procedures for the issuing of licenses or permits.³ The Act expressly excludes other types of activity, such as the formal exercise of eminent domain.⁴

Under the criteria of the Act, there are no cases to include in the 2022 update to the Attorney General's Guidelines.⁵

¹ The original guidelines are published at 14 Kan. Reg. 1690-92 (Dec. 21, 1995).

² K.S.A. 77-704.

³ K.S.A. 77-703(b)(1).

⁴ K.S.A. 77-703(b)(2).

⁵ The original guidelines are published at 14 Kan. Reg. 1690-92 (Dec. 21, 1995).