

HOUSE BILL No. 2030

By Special Committee on Judiciary

1-6

9 AN ACT concerning eminent domain; relating to economic development
10 purposes; notice and hearing requirements; amending K.S.A. 26-503
11 and repealing the existing section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. A governing body of a city or county desiring to take
15 land for economic development purposes shall adopt a resolution stating
16 that the city or county is considering taking land. The resolution shall
17 describe the boundaries of the land proposed to be taken and give notice
18 that a public hearing will be held to consider the taking of the land and
19 fix the date, hour and place of the public hearing. Unless the governing
20 body of the city determines adequate facilities are not available, the public
21 hearing shall be held at a site located in or as near as possible to the area
22 proposed to be taken. The hearing shall be held at the time determined
23 by the governing body to be the most convenient for the greatest number
24 of interested persons. For the purpose of this section, "economic devel-
25 opment purposes" means encouraging or assisting the undertaking, ex-
26 pansion or location of new business activity intended to promote the ec-
27 onomic stability of the area by maintaining and providing employment
28 opportunities.

29 (a) The date fixed for the public hearing shall be not less than 60 nor
30 more than 70 days following the date of the adoption of the resolution
31 fixing the date of the hearing.

32 (b) A copy of the resolution providing for the public hearing shall be
33 mailed by certified mail to each owner of land proposed to be taken not
34 more than 10 days following the date of the adoption of the resolution.
35 The resolution shall be published in the official newspaper of the city not
36 less than one week and not more than two weeks preceding the date fixed
37 for the public hearing. A sketch clearly delineating the area in such detail
38 as may be necessary to advise the reader of the particular land proposed
39 to be taken shall be published with the resolution. A copy of such sketch
40 also shall be mailed to the affected property owners with the resolution.

41 (c) At the public hearing, a representative of the governing body shall
42 present the proposal for taking. Following the explanation, all interested
43 persons shall be given an opportunity to be heard. The governing body

1 may recess, for good cause shown, the hearing to a time and date certain,
2 which shall be fixed in the presence of persons in attendance at the
3 hearing.

4 (d) Upon conclusion of the public hearing, the governing body of the
5 city or county must fulfill the requirements of K.S.A. 26-503, and amend-
6 ments thereto.

7 (e) No defect in any notice or in the service thereof shall invalidate
8 any proceedings under this section.

9 Sec. 2. K.S.A. 26-503 is hereby amended to read as follows: 26-503.

10 (a) The plaintiff shall cause to be published once in a newspaper of gen-
11 eral circulation in the county where the lands are situated a notice of the
12 proceeding at least nine ~~(9)~~ days in advance of the date fixed by the court
13 for consideration of the petition and appointment of appraisers, and shall
14 at least seven ~~(7)~~ days before such date mail to each interested party as
15 named in K.S.A. 26-502 and whose address is known or can with reason-
16 able diligence be ascertained a copy of such publication notice and pe-
17 tition insofar as it relates to his interest. No defect in any notice or in the
18 service thereof shall invalidate any proceedings.

19 (b) *The governing body of a city or county desiring to take land for*
20 *economic purposes must meet the requirements of section 1 prior to meet-*
21 *ing the requirements of this section.*

22 Sec. 3. K.S.A. 26-503 is hereby repealed.

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