

Senate Concurrent Resolution No. 1612

By Senators D. Schmidt and Goodwin, Apple, Barnett, Barone, Haley, Journey, Lee, Ostmeyer, Pine, Schodorf, Taddiken, Teichman and Wagle

1-5

11 A PROPOSITION to amend article 15 of the constitution of the state of
12 Kansas by adding a new section thereto, concerning eminent domain.
13 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
14 *members elected (or appointed) and qualified to the Senate and two-*
15 *thirds of the members elected (or appointed) and qualified to the House*
16 *of Representatives concurring therein:*

17 Section 1. The following proposition to amend the constitution of the
18 state of Kansas shall be submitted to the qualified electors of the state
19 for their approval or rejection: Article 15 of the constitution of the state
20 of Kansas is amended by adding a new section thereto to read as follows:

21 “§ 17. Private property shall not be taken except for public use,
22 and private property shall not be taken without just compensation.
23 The taking of private property with the intent to or in anticipation
24 of selling, leasing or otherwise transferring any interest in the prop-
25 erty to any private entity is not a valid public use and is prohibited
26 except as the legislature may provide by law.”

27 Sec. 2. The following statement shall be printed on the ballot with
28 the amendment as a whole:

29 “*Explanatory statement.* There is currently no constitutional pro-
30 vision prohibiting state or local government from taking private
31 property except for public use, and there is no definition of “pub-
32 lic use”.

33 “A vote for this proposition would amend the Kansas constitution
34 to prohibit state and local governments from taking private prop-
35 erty except for public use and would require that the owner of
36 any property taken for public use be paid just compensation. It
37 also would clarify that “public use” does not include the taking
38 of private property with the intent to or in anticipation of selling,
39 leasing or otherwise transferring any interest in the property to
40 any private entity except as the legislature may provide by law.

41 “A vote against this proposition would not amend the constitution.”

42 Sec. 3. This resolution, if approved by two-thirds of the members
43 elected (or appointed) and qualified to the Senate, and two-thirds of the

1 members elected (or appointed) and qualified to the House of Repre-
2 sentatives shall be entered on the journals, together with the yeas and
3 nays. The secretary of state shall cause this resolution to be published as
4 provided by law and shall cause the proposed amendment to be submitted
5 to the electors of the state at the general election in November in the
6 year 2006.