

SENATE BILL No. 398

By Committee on Judiciary

1-18

9 AN ACT concerning eminent domain; relating to appeal from award;
10 perfected appeal; amending K.S.A. 2005 Supp. 26-508 and repealing
11 the existing section.
12

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

14 Section 1. K.S.A. 2005 Supp. 26-508 is hereby amended to read as
15 follows: 26-508. (a) If the plaintiff, or any defendant, is dissatisfied with
16 the award of the appraisers, such party, within 30 days after the filing of
17 the appraisers' report, may appeal from the award by filing a written
18 notice of appeal with the clerk of the district court ~~and paying the docket~~
19 ~~fee of a new court action.~~ *The appeal shall be deemed perfected upon the*
20 *filing of the notice of appeal.* In the event any parties shall perfect an
21 appeal, copies of such notice of appeal shall be mailed to all parties af-
22 fected by such appeal, within three days after the date of the perfection
23 thereof. An appeal by the plaintiff or any defendant shall bring the issue
24 of damages to all interests in the tract before the court for trial *de novo*.
25 The appeal shall be docketed as a new civil action ~~and~~ *the docket fee of*
26 *a new court action shall be collected and the appeal shall be tried as any*
27 other civil action. The only issue to be determined therein shall be the
28 compensation required by K.S.A. 26-513, and amendments thereto.

29 (b) *This section, as amended by this act, shall be construed and ap-*
30 *plied prospectively, as well as retroactively to July 1, 2003, and shall apply*
31 *to all eminent domain proceedings pending on or commenced after July*
32 *1, 2003.*

33 Sec. 2. K.S.A. 2005 Supp. 26-508 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its
35 publication in the Kansas register.