

CORRECTED
SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 398

As Recommended by Senate Committee
on Judiciary

Brief*

SB 398 would amend the Kansas Eminent Domain Procedures Act to provide that an appeal from the award of the appraisers shall be deemed perfected upon filing of the notice of appeal. The bill would provide the amendment shall be applied both prospectively and retroactively to July 1, 2003 and shall apply to all eminent domain proceedings pending on or commenced after July 1, 2003.

Background

The bill would legislatively overrule the December, 2005, Kansas Supreme Court decision in *Miller v. Stranger Valley Land Company* and make it clear that a landowner's appeal is perfected upon filing a notice of appeal and make it clear that while filing a docket fee is required, it is not jurisdictional. Attorneys from Russell, Lawrence, and Topeka, and two residents of Lawrence supported the bill.

The fiscal note is not available.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>