

SESSION OF 2003

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2032**

As Agreed to April 2, 2003

**Brief \***

HB 2032 amends statutes dealing with eminent domain and relocation assistance to require such assistance be paid by the state, its agencies and political subdivisions even when federal moneys are not used for projects.

As noted above, the bill extends relocation assistance payment requirements also to include projects where no federal assistance is available. Prior law provided that the state, any agency, and any political subdivision "may" pay fair and reasonable relocation payments to displaced persons for projects under which federal financial assistance is used to pay all or part of the costs of the project. The bill also changes the "may" to "shall" where federal money is utilized.

The relocation assistance when federal money is involved must be paid in compliance with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

When relocation assistance is to be paid to displaced persons when projects do not involve federal funding, payments under the federal uniform law will be deemed fair and reasonable, although voluntary negotiation of relocation amounts between the parties is permitted.

The bill also provides that a party dissatisfied with the award of the appraisers in eminent domain proceedings if an award is appealed shall pay the docket fee of a new court action. The bill also clarifies that an interested party may appear in person or by an attorney.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org/kldr>

In addition the bill repeals KSA 58-3505 which dealt with relocation assistance.

## **Background**

A conferee representing the Judicial Council appeared in support of the bill. Additional support was expressed by an attorney in Wichita.

Opposition to a concern with the bill, as drafted, was offered by conferees from the League of Kansas Municipalities, the City of Wichita, the Kansas Livestock Association, and the Kansas Farm Bureau.

The Senate Committee amendments were agreed to by the Kansas Judicial Council, the Kansas Department of Transportation, the League of Kansas Municipalities, and others.

The fiscal note indicates no fiscal impact.

The House Conference Committee agreed to concur with the Senate amendments to the bill. All conferees agreed to the repeal of KSA 58-3505 regarding relocation assistance.