

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2617**

As Agreed to April 1, 2004

Brief *

HB 2617 clarifies the criminal trespass law to provide that a licensed land surveyor who enters land, waters, and other premises in the making of a survey would not be guilty of criminal trespass, if a reasonable attempt to notify the landowner had been made. Upon notice, the landowner will have the right to modify the time and other provisions of the surveyor's access, as long as the modifications do not unreasonably restrict completion of the survey.

The bill would allow damages which are willfully or deliberately caused by the landowner.

The Senate Committee of the Whole made clarifying amendments.

Conference Committee Action

The Conference Committee agreed to draft a Conference Committee Report to do the following:

- ! insert person in possession in place of occupant of the land;
- ! insert "neither the landowner nor person in possession shall be liable" for damages unless caused by willful and deliberate action;
and
- ! delete Senate Committee of the Whole amendments concerning property boundaries.

*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>

Background

Those expressing support for the bill included representatives of the Kansas Department of Transportation and the Kansas Society of Land Surveyors.

Written support was received on behalf of the Home Builders Association of Greater Kansas City. The Kansas Trial Lawyers Association (KTLA) representatives indicated the KTLA has no concerns with the bill.

The fiscal note indicates there would be only a slight fiscal impact, if any.