

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF ON
SENATE BILL NO. 461**

As Agreed to April 1, 2004

Brief*

SB 461 amends the port authority law to provide that no port authority operating or intending to operate in Cowley County shall modify, amend, or extend the port authority's official plan as originally adopted by the port authority to change the purpose for which it was created or alter the character of the work undertaken without subsequent approval of the Kansas Legislature by resolution.

The bill also amends the law dealing with relocation assistance payments to provide advance payments and to extend the time for filing the filing time for appraiser reports in condemnation proceedings.

The bill requires that a port authority clearly state the purpose for which it is to be created and the character of the work to be undertaken as part of its official plan.

The bill provides that neither Cowley County nor a port authority shall have the right of eminent domain to acquire any land or site in Cowley County for which at least one of the purposes is a recreational-use purpose. If a port authority exercises the right of eminent domain to acquire any land or site in Cowley County, the land or site shall be used only for the public purpose stated in the port authority's original official plan and there shall be no private development on any land or site for a period of 30 years after the acquisition of any land or site. Neither Cowley County nor a port authority operating or intending to operate in Cowley County shall exercise the right of eminent domain to acquire any land or site prior to a showing that all required state and federal permits to use or develop any such land or site in the manner specified in the port authority's official plan have been obtained.

The county home rule law is also amended to prevent any

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county from exempting itself from the law.

The bill amends the Eminent Domain Procedure Act to extend the time frame for filing the appraisers report in a condemnation action from 20 to 45 days. Other amendments provide a mechanism for paying 75 percent of relocation assistance for displaced persons in advance of actual relocation.

An appeal process is also established for persons entitled to relocation benefits before an independent hearing examiner with a *de novo* appeal to district court.

Conference Committee Action

The Conference Committee agreed to the House amendments to the bill with a further clarifying amendment regarding relocation assistance payments to provide these payments may not be made until title to the property is vested in the condemning authority.

Background

The bill was supported by the Senators Greta Goodwin and Robert Tyson, the Kansas Farm Bureau, the Kansas Livestock Association, Save Our Industries and Land, the Sierra Club, the Cowley County Farm Bureau, and Cowley County landowners.

The bill was opposed by the League of Kansas Municipalities, Sedgwick County, and the Regional Area Economic Partners of South Central Kansas.