

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 421

As Amended by House Committee on
Judiciary

Brief*

SB 421 amends the Kansas Eminent Domain Procedure Act regarding the time for filing the appraisers' report from not later than 45 days after the judge's order to appoint the appraisers. Current law contains a 20-day time frame.

The House Committee amended the bill to provide the following:

- ! when a displaced person demonstrates that advance payments are needed for relocation purposes, and there are estimates of reasonable accuracy, then 75 percent of the amount will be advanced to the displaced person, or paid to third parties on behalf of the displaced person, to facilitate the relocation. Any remaining payment due will be made within 30 days of the relocation.

- ! provisions for appeal of benefits are included when there is written notice of appeal within 60 days of notice of the determination. A hearing examiner will be appointed within 10 days and a determination of the appeal will be made within 60 days. An appeal from the decision of the hearing examiner must be filed with the clerk of the district court within 30 days of the hearing examiners decision. An appeal to the district court will be a trial *de novo* only on the issue of relocation benefits.

Background

The bill was supported by Senator Vratil, who said extensions for filing the appraisers' report are routinely granted and that a 45-day time

*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>

frame is a more realistic period for the appraisers to complete their work.