

HOUSE BILL No. 2399

By Committee on Appropriations

3-28

1 AN ACT concerning Cherokee county; relating to purchases of property
2 and relocation expenses by a state public trust; amending K.S.A. 2010
3 Supp. 49-514 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 49-514 is hereby amended to read as
7 follows: 49-514. (a) (1) For individuals who have rented and resided in
8 their homes in the affected community continuously since March 13, 2006,
9 and who can produce a valid rental contract or other proof of rental
10 arrangement, the trust shall provide relocation assistance in an amount
11 equal to the average cost of 12-months' rent for comparable housing
12 elsewhere in the county where the affected community is located. The
13 trust, in its discretion, may provide such assistance in periodic payments
14 and not in a single lump sum. In addition, such individuals may receive not
15 more than \$1,000 for moving expenses.

16 (2) For other individuals who are renting and residing in their homes
17 in the affected community and who can produce a valid rental contract or
18 other proof of rental arrangement, the trust, in its discretion, may provide
19 relocation assistance and moving expenses in amounts not exceeding those
20 authorized in subsection (a)(1).

21 (b) (1) Subject to the provisions of subsection (g), for individuals
22 who have owned and resided in their homes in the affected community
23 continuously since March 13, 2006, the trust shall purchase their homes,
24 including the land on which their homes are located, for an amount equal
25 to the average cost of comparable housing elsewhere in the county where
26 the affected community is located. In addition, such individuals may
27 receive not more than \$1,000 for moving expenses.

28 (2) Subject to the provisions of subsection (g), for other individuals
29 who own and reside in their homes in the affected community, the trust, in
30 its discretion, may purchase their homes, including the land on which their
31 homes are located, for an amount equal to the price paid for the home plus
32 5% per year, uncompounded, since the year of purchase and moving
33 expenses in amounts not exceeding those authorized in subsection (b)(1).

34 (c) (1) Subject to the provisions of subsection (h), for persons who
35 have rented the premises of and operated their businesses or nonprofit
36 organizations in the affected community continuously since March 13,

1 2006, and who can produce a valid rental contract or other proof of rental
2 arrangement, the trust shall provide relocation assistance in an amount
3 equal to the average cost of 12-months' rent for comparable premises
4 elsewhere in the county where the affected community is located. The
5 trust, in its discretion, may provide such assistance in periodic payments
6 rather than in a single lump sum. In addition, such persons may receive not
7 more than \$2,000 for moving expenses.

8 (2) Subject to the provisions of subsection (h), for other persons who
9 are renting the premises of and operating their businesses or nonprofit
10 organizations in the affected community and who can produce a valid
11 rental contract or other proof of rental arrangement, the trust, in its
12 discretion, may provide relocation assistance and moving expenses in
13 amounts not exceeding those authorized in subsection (c)(1).

14 (d) (1) Subject to the provisions of subsections (g) and (h), for
15 persons who have owned the premises of and operated their businesses or
16 nonprofit organizations in the affected community continuously since
17 March 13, 2006, the trust shall purchase the premises, including the land
18 on which the premises are located, for an amount equal to the average cost
19 of comparable commercial property elsewhere in the county where the
20 affected community is located. In addition, such persons may receive not
21 more than \$2,000 for moving expenses.

22 (2) Subject to the provisions of subsections (g) and (h), for other
23 persons who own the premises of and operate their businesses or nonprofit
24 organizations in the affected community, the trust, in its discretion, may
25 purchase the premises, including the land on which the premises are
26 located, for an amount equal to the price the owner paid for the premises
27 plus 5% per year, un compounded, since the year of purchase and moving
28 expenses in amounts not exceeding those authorized in subsection (d)(1).

29 (e) Subject to the provisions of subsections (g) and (h), for persons
30 who own rental property in the affected community, the trust, in its
31 discretion, may purchase the rental property for: (A) An amount equal to
32 the average cost of comparable rental property elsewhere in the county, if
33 the person has owned such property continuously since March 13, 2006; or
34 (B) an amount equal to the price paid plus 5% per year, un compounded,
35 since the year of purchase, if the person has not owned such property
36 continuously since March 13, 2006.

37 (f) Subject to the provisions of subsection (h), in addition to the
38 purchase of property as otherwise authorized by this act, the trust, in its
39 discretion, may purchase other real property within the affected
40 community to prevent future construction on such property for an amount
41 not exceeding:

42 (1) *The average cost of comparable property elsewhere in the county,*
43 *if the person has owned such property continuously since March 13, 2006;*

1 *or*

2 (2) the price the owner paid for such property plus 5% per year,
3 uncompounded, since the year of purchase, *if the person has not owned*
4 *such property continuously since March 13, 2006.*

5 (g) If a home or the premises of a business or nonprofit organization
6 is a movable structure and the trust grants relocation assistance to the
7 owner pursuant to this section, the trust, in its discretion, may pay the cost
8 of relocating such structure in lieu of other assistance authorized in this
9 section if the cost of relocating the structure does not exceed the amount of
10 such other assistance.

11 (h) A person shall not be eligible for assistance pursuant to this act
12 with respect to property used for mining or for removal, storage or sale of
13 mined materials or mine waste or byproducts.

14 (i) Payments made pursuant to the provisions of this act may be made
15 to any eligible person but not more than one payment shall be made with
16 regard to any single dwelling or commercial or nonprofit premises, except
17 that, if the dwelling or premises are rented, one payment may be made to a
18 renter and one payment may be made to an owner.

19 (j) Participation in the assistance program provided for by this act
20 shall be voluntary. No person shall be required to relocate or sell property
21 under the provisions of this act.

22 (k) Real property acquired by the trust pursuant to the relocation
23 assistance provisions of this act may be utilized or disposed of in
24 accordance with law, in the manner that the trust determines will best serve
25 the state of Kansas and public interest.

26 (l) The use of moneys pursuant to this section shall not be subject to
27 the uniform relocation assistance and real property acquisition policies act
28 of 1970(42 U.S.C. 4601 et seq.).

29 Sec. 2. K.S.A. 2010 Supp. 49-514 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the statute book.

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