

## HOUSE BILL No. 2631

By Representative Brown

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9 AN ACT concerning cities; requiring arbitration of claims of individuals  
10 in certain circumstances.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) Any person who has a cause of action in contract or  
14 tort against a municipality, as a complete alternative to filing a lawsuit in  
15 district court, may require the municipality submit to arbitration of such  
16 claim.

17 (b) Any controversies or disputes arising out of or relating to the cause  
18 of action shall be resolved by binding arbitration in accordance with the  
19 then current commercial arbitration rules of the American Arbitration As-  
20 sociation. The parties shall endeavor to select a mutually acceptable ar-  
21 bitrator knowledgeable about issues relating to the subject matter of the  
22 dispute. In the event the parties are unable to agree to such a selection,  
23 each party will select an arbitrator and the arbitrators in turn shall select  
24 a third arbitrator. The arbitration shall take place at a location that is  
25 reasonably centrally located between the parties, or otherwise mutually  
26 agreed upon by the parties.

27 All documents, materials and information in the possession of each  
28 party that are in any way relevant to the claim or dispute shall be made  
29 available to the other party for review and copying no later than 30 days  
30 after the notice of arbitration is served.

31 If the arbitrator or arbitrators find the person has a valid contract claim  
32 or claim sounding in tort, such arbitrator may order the municipality to  
33 pay appropriate compensation or damages to the person. No punitive  
34 damages shall be permitted. The arbitrator shall have the power to issue  
35 mandatory orders and restraining orders in connection with the arbitra-  
36 tion. The award rendered by the arbitrator shall be final and binding on  
37 the parties, and judgment may be entered thereon in any court having  
38 jurisdiction.

39 (c) All cost of arbitration shall be paid by the municipality.

40 (d) The term "municipality" means any city.

41 (e) The term "person" means any individual person, not a corpora-  
42 tion, partnership or other entity.

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1     Sec. 2. This act shall take effect and be in force from and after its  
2     publication in the statute book.