

STATE OF KANSAS

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TOPEKA

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ETHICS AND ELECTIONS
LEGISLATIVE POST AUDIT

Monday March 14, 2005

Honorable Senator Jay Scott Emler, Chairman
Members of the Senate Utilities Committee

It is my pleasure to stand before you today in support of HB 2279.

Mr. Chairman I have had numerous calls from property owners telling me that the municipality has placed a tax lien on their rental property because a tenant moved out without paying all of his or her bills.

Present law allows the municipalities to place a lien on the property owner's tax roll for any unpaid bills for water and sewer charges. The law also allows these services to be discontinued until the unpaid amount has been paid. These charges are thus subject to the same penalties and collected in like manner as other unpaid taxes. However, the law does not apply if the unpaid water or sewer bill was contracted for by a tenant and not the owner of the property.

New section 5 on page 3 of the bill, simply places trash and refuse removal service under the same conditions as for water and sewer services. In this case too, the law would not apply if the unpaid trash removal service bill was contracted for by a tenant and not the landlord or the owner of the property.

New section 6 on page 3 was an amendment added by the House Utilities Committee to prohibit local governments that provide sewage disposal services or solid waste collection and disposal services from refusing to contract with a tenant.

The bill passed by a wide margin in the House February 25, 2005 by a vote of 115 yeas, and 7 nays.

It is only fair that property owners be protected from irresponsible tenants; otherwise we are going to see a further decline of entrepreneurs willing to invest and work at maintaining homes in our communities that serve the housing needs of those persons who cannot yet afford to buy a new home.

I urge the committee to support HB 2279.

Thank you Mr. Chairman and I stand for questions.

Testimony submitted by

A handwritten signature in black ink that reads "C. Frank Miller". The signature is written in a cursive, flowing style.

Representative Frank Miller