

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Jay Emler at 9:30 A.M. on February 21, 2006 in Room 526-S of the Capitol.

Committee members absent:

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Bruce Kinzie, Revisor of Statutes' Office
Diana Lee, Revisor of Statutes' Office
Ann McMorris, Committee Secretary

Conferees appearing before the committee: Rep. C. Frank Miller
Rhonda Franks, Scranton - property owner
Ken Daniel, Kansas Small Business owner
Ed Jakinski, Associate Landlords of Kansas
Kimberly Winn, League of Kansas Municipalities

Others in attendance: See attached list

Chair opened the hearing on

H.B. 2592 - Liens for utility services provided by municipally owned or operated utility

Proponents:

Rep. C. Frank Miller testified the amendments added to this bill by the House Committee will more clearly define the uniform conditions set forth in **H.B. 2592**. He also requested a technical amendment to more clearly define uniform conditions. Bruce Kinzie is to explain the amendment. (Attachment 1)

Rhonda Franks, Scranton is a property owner who urges passage of **HB 2592** in order to make uniform the laws passed and to stop cities from unfairly placing the financial burden on property owners to pay a tenant's or any previous customer's unpaid utility bill. (Attachment 2)

Kenneth Daniel, small business owner, urged passage of **HB 2592** to help small business owners continue providing homes for a large part of the population. (Attachment 3)

Ed Jakinski, Associate Landlords of Kansas, noted that many times the municipality does not know the owner of the property when a tenant applies for service. He urged passage of **HB 2592**.

Opponents:

Kimberly Winn, League of Kansas Municipalities, opposed **HB 2592** because the bill would uniformly prohibit the collection of fees due and owing to the city from landlords. This would have a negative impact on all cities that operate water, sewer, solid waste, electric, or natural gas services. (Attachment 4)

Much discussion and questions on deposits, how they are computed, length of time deposits are held, and how cities collect unpaid fees from the tenants.

Chair closed the hearing on **HB 2592**.

Rep. Miller called on Revisor Bruce Kinzie to explain an amendment he proposed to clarify **HB 2592**. Bruce provided a balloon showing the changes proposed by Rep. Miller and explained the deletion of certain statutes. (Attachment 5)

Chairman Emler asked Ms. Winn to provide the summary of the Supreme Court cases she had cited.

No further action taken on **HB 2592**.

CONTINUATION SHEET

MINUTES OF THE Senate Utilities Committee at 9:30 A.M. on February 21, 2006 in Room 526-S of the Capitol.

Approval of Minutes

Moved by Senator Apple, seconded by Senator Pyle, approve the minutes of the meeting of the Senate Utilities Committee held on February 20, 2006. Motion carried.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 5