

Approved: April 5, 2002
Date

Carl D. Holmes

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:08 a.m. on February 26, 2002 in Room 526-S of the Capitol.

All members were present.

Committee staff present: Robert Chapman, Legislative Research
Dennis Hodgins, Legislative Research
Mary Torrence, Revisor of Statutes
Jo Cook, Administrative Assistant

Conferees appearing before the committee: None

Others attending: See Attached List

HB 2999 - Public utilities, excluding certain landlords from definition

Chairman Holmes opened the debate on **HB 2999**. Karl Mueldener, Bureau of Water Director for Kansas Department of Health & Environment, addressed the previous days concern on K.S.A. 65-162a to the satisfaction of the committee. Anne Tymeson, Assistant General Counsel for the Kansas Corporation Commission, provided language regarding the Commission jurisdiction (Attachment 1). Representative McClure moved to adopt the Commission language. Representative Lightner seconded the motion. The motion carried. Representative Sloan moved to change the word 'reasonable' on line 19 to 'actual.' Representative Compton seconded the motion. Motion carried. Representative Sloan moved to add 'or subsection (a)(6) of K.S.A. 58-25,111' to line 17 following K.S.A. 58-2553. Representative Toelkes seconded the motion. Motion carried. Representative Myers moved to recommend **HB 2999**, as amended, favorable for passage. Representative Lightner seconded the motion. Motion carried. Representative Lightner will carry the bill.

Chairman Holmes announced that **HB 2754** had been blessed. The agenda for next week will include the telemarketing bills, **HB 2100** and **HB 2903** with the proponents appearing on Wednesday and the opponents on Thursday.

The meeting adjourned at 9:24 a.m.

The next meeting will be March 6, 2002.

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: February 26, 2002

| NAME | REPRESENTING |
|---------------|--------------------|
| Whitney Damon | KS Gas Service |
| Steve Johnson | Kansas Gas Service |
| Anne Tymeson | KCC |
| Karl Muedemer | |
| KARLA OLSEN | NESTAR ENERGY |
| Shirley Allen | SITA |
| TOM DAY | KCC |
| Bruce Graham | KEPCO |
| Chris Wilson | KCC |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

HOUSE BILL No. 2999

By Committee on Appropriations

2-20

KCC amendment at the request of
Rep. McClure

AN ACT concerning public utilities; relating to the definition thereof.

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

Section 1. The term "public utility" within the meaning of K.S.A. 66-104, and amendments thereto, shall not include any person or entity in the business of being a landlord who is supplied water by a city or water district and who furnishes such water to its tenants pursuant to subsection (a)(5) of K.S.A. 58-2553, and amendments thereto, with or without the use of a separate meter to measure the water furnished to the tenant, so long as the landlord charges the tenant at the same rate charged by the city or water district to the landlord, plus the reasonable cost of the billing and collection of such charge.

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

The furnishing of water by a landlord to a tenant in accordance with this act shall not be construed as a sale for which may be subject to the jurisdiction of the Corporation Commission.

HOUSE UTILITIES

DATE: 2-26-02

ATTACHMENT 1