

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chairperson Barbara Allen at 1:30 p.m. on January 27, 2004 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Legislative Research
Martha Dorsey, Legislative Research
Ken Wilke, Revisor of Statutes
Nancy Kirkwood, Committee Secretary

Conferees appearing before the committee:

Brad Bryant Deputy Assistant, Secretary of State
Senator Barnett
Senator Schmidt
Representative Peggy Long-Mast
Bill Walker, Fire Administrator, Coffey County Dist #1, representing Kansas State Association of Fire Chiefs
Pat Lehman, Kansas Fire Service Alliance
Elmer Ronnebaum, Representing Kansas Rural Water Association
Ron Appleoft, Governmental Affairs Coordinator, Water Dist#1, Johnson County
Ed Jaskinia, Representing, The Associated Landlords of Kansas
Kim Gulley, League of Municipalities
Walter L. Myers

Others attending:

See Attached List.

Chairperson Allen called for bill introductions. Brad Bryant on behalf of the Secretary of State requested a committee bill to put Kansas state laws into compliance with the Help America Vote Act of 2002 (Attachment 1). Senator Schmidt made a motion to introduce, seconded by Senator O'Connor. The motion carried.

Chairperson Allen asked for a committee bill to address the "Cole v. Mayans", allowing candidates to transfer funds from one campaign committee to another campaign committee if you chose to run for a different office. It includes state to state, state to local, local to state, and would be retroactive, Senator Buhler moved and Senator O'Connor seconded, to introduce a bill. The motion carried. Chairperson Allen informed the committee it would be hearing the bill next week.

Hearing on:

SB 292 - Purchase or installation of fire hydrants by fire districts

Senator Barnett testified in support of **SB 292**. He stated **SB 292** would allow rural fire districts to purchase fire hydrants as firefighting equipment and contract with rural water districts to obtain an adequate water supply (Attachment 2).

Senator Schmidt handed out written testimony on **SB 292** in support (Attachment 3).

Representative Peggy Long-Mast recognized by Chairperson Allen spoke in support of **SB 292** (Attachment 4).

Chairperson Allen welcomed Bill Walker, to the committee. Mr. Walker testified with the continuous rapid growth within the rural area is the growth in capability of the rural water districts to supply these residences and businesses with their day to day needs. He is in support of **SB 292** (Attachment 5).

Chairperson Allen recognized Pat Lehman representing the Kansas Fire Service Alliance. Mr. Lehman

CONTINUATION SHEET

MINUTES OF THE SENATE ELECTIONS AND LOCAL GOVERNMENT COMMITTEE at 1:30 p.m. on January 27, 2004 in Room 423-S of the Capitol.

stated **SB 292** is important for authorizing fire districts and townships to use resources to enhance their ability to fight fires effectively (Attachment 6).

Elmer Ronnebaum recognized by Chairperson Allen testified in support of **SB 292** with an amendment. Mr Ronnebaum testimony suggests that the words "and/or flush hydrants" be inserted after "fire hydrants" (Attachment 7)

There being no other proponents to speak to **SB 292**, Chairperson Allen welcomed Ron Appletoft, Governmental Affairs Coordinator to the committee. He appeared as neutral and offered an amendment with slight wording change to clarify the bill. The language that **SB 292** adds is repeated 11 times in the bill. The Water District #1 asks that in each instance the language be amended to clarify 1) this bill applies to rural water districts, 2) any changes as to acquisition, installation and maintenance of fire hydrants are mutually agreeable to both the fire district and the rural water district (Attachment 8).

Chairperson Allen asks the interested parties to join Senator Schmidt to come to an agreement and furnish the committee when action on **SB 292** is taken.

There being no others to testify on **SB 292**, Chairperson Allen closed the hearing.

SB 328 - Cities and Counties - limitations on lien for unpaid sewer charges

Chairperson Allen opened the hearing on **SB 328**. Senator Schmidt, recognized by the Chair, testified **SB 328** would eliminate the option to obtain a lien against rental property for unpaid sewer and water bills that are contracted for and owed by the tenant (Attachment 9). Senator Schmidt's testimony included written testimony from Walter L. Myers in support of **SB 328** (Attachment 10).

Chairperson Allen recognized Ed Jaskinia to testify before the committee. Ed presented testimony in support of **SB 328** (Attachment 11).

There being no other proponents to **SB 328**, Chairperson Allen called for opponents.

Kim Gulley, recognized by Chairperson Allen spoke in opposition to **SB 328**. Ms. Gulley said under state law, and most city ordinances, cities are allowed to collect water and sewer charges from landlords if a particular tenant refuses to pay their bill. There are three key reasons for this policy 1) water and sewer service run with the land, 2) equity, 3) landlords have alternatives. **SB 328** would amount to a subsidy of landlords by property owners who pay their bills appropriately (Attachment 12).

Senator Buhler asked for more information regarding a list of cities who have local ordinances or codes. Chairperson Allen made a request to the League of Municipalities to furnish the committee with this information before the committee takes any action on **SB 328**.

There being no others to testify on **SB 328**, Chairperson Allen closed the hearing.

The next meeting is scheduled for Thursday, January 29.

The meeting adjourned at 2:30 p.m.

SENATE
ELECTIONS AND LOCAL GOVERNMENT
GUEST LIST

Date Tues Jan 27

Pat Lehman	KS Fire Service Alliance
Bill Walker	CCFD #1 & KSA.F.C.
Elmer Ronnebaum	KS Rural Water Assoc.
Mary Walker	Coffey County Chamber of Commerce
Roger Host	Public Accts Ass'n of Kansas, CCFD #1
Brad Bryant	Ser. of State
Ron Appletoft	Water District No. 1 of JG
<i>Etha Erickson</i>	<i>DOB</i>
Scott Heidner	KS Consulting Engineers
Zach Skow	Intern
Kim Gullett	IKM
Konnie Lettler	DOB
Whitney Damron	City of Topeka

RON THORNBURGH
Secretary of State



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STATE OF KANSAS
Senate Committee on Elections and Local Government

Request for Bill Introduction

Brad Bryant, Deputy Assistant Secretary of State
Elections and Legislative Matters

January 27, 2004

Madam Chair and Members of the Committee:

The Secretary of State requests introduction of a committee bill to bring our state laws into compliance with the Help America Vote Act of 2002. There are nine items in the bill:

1. Require county election officer and election board worker training.
2. Establish an administrative complaint procedure.
3. Require provisional voters to sign an affirmation that they are qualified to vote in the election, and provide information to provisional voters on how to ascertain whether their provisional ballots counted.
4. Require that when polling hours are extended by court order, votes cast after regular hours are provisional ballots and separated from other provisional ballots.
5. Require certain voters to show identification when voting.
6. Allow federal service absentee voters to submit one ballot application for all elections in a 2 year period.
7. Designate the Secretary of State as the agency for dissemination of federal services voting information.
8. Add to the requirements of the voter registration application form. Require county election officers to notify applicants of incomplete forms.
9. Require the following to be posted at each polling place on election day: a sample ballot, the date of the election, and polling hours.

Thank you for your consideration.

Senate Elec + Loc Gov
01-27-04
Attachment 1

JIM BARNETT
SENATOR, 17TH DISTRICT
CHASE, COFFEY, GEARY, GREENWOOD
LYON, MARION, MORRIS, OSAGE, AND
WABAUNSEE COUNTIES



TOPEKA

SENATE CHAMBER

Testimony

Senate Bill 292

COMMITTEE ASSIGNMENTS
VICE CHAIR: PUBLIC HEALTH AND WELFARE
VICE CHAIR: FINANCIAL INSTITUTIONS AND
INSURANCE
MEMBER: FEDERAL AND STATE AFFAIRS

Chairperson Allen and members of the Senate Elections and Local Government Committee, thank you for the opportunity to write in support of SB 292

Currently, rural fire districts are not permitted to purchase fire hydrants in the State of Kansas. Two previous Attorney General opinions have been obtained confirming this statement. Unfortunately, this places certain areas within our state at increased risk for loss of property and death due to an inability to adequately fight fires. BETO Junction in Coffey County represents such an example. This area involves two busy truck stops with retail businesses, numerous fuel tankers, and a motel within a concentrated rural setting. In the event of a fire, the ability of firefighters to adequately control and fight the fire is severely compromised.

SB 292 will allow rural fire districts to purchase fire hydrants as firefighting equipment and contract with rural water districts to obtain an adequate water supply.

I respectfully request your consideration and support of SB 292.

Signed:

A handwritten signature in black ink, appearing to read "Jim Barnett".

Senator Jim Barnett

JAB/gkp

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Senate Elec & Loc Gov
01-27-04
Attachment 2

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Senator Derek Schmidt
15th District

Committee Assignments
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Legislative Post Audit (Chairman)
Judiciary
Natural Resources
Elections and
Local Government
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During Session
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Testimony in Support of Senate Bill 292
Presented to the Senate Elections & Local Government Committee
By Senator Derek Schmidt

January 27, 2004

Chairman Allen and members of the Committee, thank you for the opportunity to appear before you in support of Senate Bill 292. This measure was introduced by Senator Barnett and myself at the request of our constituents in Coffey County.

In Coffey County, there is a fire district that wants to use its funds to install and maintain a fire hydrant that would be connected to a water line owned by a rural water district. All of the local parties are in agreement that this is a desirable thing to do.

Unfortunately, state law does not permit it. As confirmed by attorney general opinions, fire hydrants – bafflingly – are not fire fighting equipment that may be purchased with fire district funds.

This bill would correct that odd discrepancy and would restore some common sense – and local control – to the law. Therefore, I encourage the committee to recommend it favorably.

Senate Elec + Loc Gov
01-27-04
Attachment 3



TOPEKA

HOUSE OF
REPRESENTATIVES

PEGGY LONG-MAST
REPRESENTATIVE, 76TH DISTRICT
765 ROAD 110
EMPORIA, KANSAS 66801
(620) 343-2465

ROOM 446-N CAPITOL BLDG.
TOPEKA, KS 66612
(785) 296-7685

COMMITTEE ASSIGNMENTS
VICE-CHAIR: HEALTH & HUMAN
SERVICES
UTILITIES
JUDICIARY

***TESTIMONY ON SB292
JANUARY 27, 2004***

I want to thank you Madaam Chairman and members of the committee for the opportunity to appear before you today with a bill that will help to make life a little safer, insurance rates a little lower, and things a lot easier for some people in the State of Kansas.

HB 2528 is a bill that deals with allowing fire districts that have the funds to purchase rural fire hydrants the opportunity to do so. Under current statutes, the law does not allow fire districts to spend money on anything that is not deemed to be fire equipment and after appealing to the Attorney General's office twice, the only option seems to be to change the law. The Attorney General's office has interpreted the current law as not including fire hydrants as fire fighting equipment thus excluding hydrants from being something that fire districts can purchase.

HB 2528 will allow individual districts to purchase fire hydrants in areas that currently do not have them and thus allowing businesses and homes in the area lower insurance premiums and making water readily available in case a fire occurs.

This is a simple bill, but it is an important one. Again, I thank you for your time and am anxious for you to hear the compelling testimony from those who will benefit from this. With that, I stand for questions Madaam Chairman.

Senate Elec & Loc Gov
01-27-04
Attachment 4

**Testimony to the
Senate Elections and Local Government Committee
SB #292**

**Presented by Bill Walker
Administrator, Coffey County Fire District # 1
January 27, 2004**

Thank you Madame Chair and members of the committee. My name is Bill Walker; I am the Administrator of Coffey County Fire District #1. I am also here to represent the Kansas State Association of Fire Chiefs. It is my honor and privilege to appear before you today, to express my full support for **Senate Bill #292**.

Over the years, the fire service in Kansas, be it full time paid or part time volunteer services, has changed dramatically – from the early days of the “Good Ol Boys” system that could save the foundation, to the highly skilled and trained professional fire departments that you see across Kansas today.

Another major change in our state has been in the rural areas, where citizens are building large, expensive homes and business, which are often located miles away from adequate fire emergency water supplies.

Along with the continuous rapid growth within our rural area is the growth in capability of the rural water districts to supply these residences and businesses with their day to day needs. These water districts often utilize large diameter water lines and high capacity storage towers to supply their customers. The water supplies are available but are often unusable by Fire Departments.

This has created the current circumstances we find ourselves in. As an example, on January 26, 2003, Coffey County Fire District #1 responded to a structure fire at a residence about 12 miles East of Burlington, Kansas.

*Senate Elec & Loc Gov
01-27-04
Attachment 5*

The homeowner lost his residence and personal property to the fire, mainly because of an inadequate water supply within the general area for fire department use. No hydrants within 12 miles, any ponds that might have been in the area were frozen over and basically there was no water available.

Coffey County Rural Water District #3 had a water tower located about 1 mile from the fire scene, with **29,000 gallons of water available**, but without any fire department hydrant connections.

I can assure you that we would have saved more of the house and personal property, if we had access to the water supply in the area.

As I stated at the beginning, there have been many changes in the fire service, but there is always one thing that will stay the same. To put out a fire, you will always need **trained people, fire trucks and water**.

With the passage of **Senate Bill #292**, which is basically the simple addition of the phrase:

“pay for the acquisition, installation or maintenance of one or more fire hydrants including any necessary equipment, services or supplies related thereto;

to the existing **Statute KSA-19-3601a** , and with the cooperation between Rural Fire Districts and Rural Water Districts in Kansas, it will greatly enhance the Fire Service goals and objectives, which is to save lives and property by extinguishing the flames.

To enhance the capabilities of Fire Services and increase the protection of our citizens, I urge your support and passage of **Senate Bill # 292**.

Thank You and I will be glad to answer any questions that the committee may have.

**Testimony to the
Senate Elections and Local Government Committee
SB 292
Presented by Patrick T. Lehman
For the Kansas Fire Service Alliance
January 27, 2004**

Thank you Madame Chair and members of the committee. I am Pat Lehman and I represent the Kansas Fire Service Alliance. The Alliance is made up of the Kansas State Firefighters Association, the Kansas State Fire Chiefs Association, and the Kansas State Professional Fire Chiefs Association. On behalf of the Alliance, I am speaking in favor of SB 292.

SB 292 is important for authorizing fire districts and townships to use resources to enhance their ability to fight fires effectively. In this case, it allows for the acquisition and installation of fire hydrants within the fire district. It is strictly permissive for all parties involved.

With more houses being built in rural areas that have fire protection from rural fire departments and the greatest need in fighting fires is water, the need is growing for accessible water strategically located throughout the district. SB 292 will allow two entities to work together to better serve the citizens in their area.

The Kansas Fire Service Alliance supports SB 292 and we urge the committee to pass the bill favorably. Thank you and I will be glad to address any questions or comments that the committee may have.

Senate Elec + Loc Gov
01-27-04
Attachment 6



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COMMENTS ON SENATE BILL 292
BEFORE THE SENATE COMMITTEE ON ELECTIONS AND LOCAL GOVERNMENT
January 27, 2004

Madam Chairperson and Members of the Committee:

The Kansas Rural Water Association appreciates this opportunity to comment on Senate Bill 292. Kansas Rural Water provides training and technical assistance to municipal and rural water systems and has more than 700 city and rural water system members.

S 292 would allow fire districts and townships to pay for the installation of fire hydrants on public water systems. Present law does not allow the fire districts or townships to reimburse public water systems for such installations.

The most likely beneficiaries of this legislation will be rural water districts that are often requested to provide fill taps or hydrants. S 292 does not require such installations be made but in those cases where the public can benefit from such installations, then the customers of the water system should not necessarily be required to pay for the costs of the installations as people beyond the water system's customers will benefit. The bill also does not preclude any water system or other beneficiary from paying for the installation.

The capacity of water systems must dictate whether or not a proposed fill tap or fire hydrant installation will deliver good service. It's not just a matter of purchasing a fire hydrant and installing it wherever. Requests for fire hydrants are frequently made by homeowners seeking to reduce insurance rates. Again, the public water system's policies must take precedence in determining where hydrants can be installed. Rural water districts have traditionally been good partners with municipal, township and rural fire districts in providing as much fire protection service as possible. Rural water districts generally can provide meaningful flows for fill taps along main lines. However, rural water districts are not generally designed to provide enough flow to supply directly to pumper trucks. However, the installation of the hydrant and valve for the device used as a fill tap generally involve the same components.

Kansas Rural Water Association respectfully suggests that the words "and/or flush hydrants" be inserted after "fire hydrants" to eliminate any misunderstanding as to the location being adequate to connect a pumper truck. Any such installations should only be made when there is mutual agreement by the water utility and fire district. S 292 does not preclude the water system or other beneficiaries to pay for hydrant installations. A typical fire hydrant and valve installation costs in the range of \$2000 to \$3000.

The Kansas Rural Water Association respectfully requests your favorable support of S 292 with amendment.



Elmer Ronnebaum
General Manager

Senate Elec & Loc Gov
01-27-04
Attachment 7

Water District No. 1 of Johnson County

S.B. 292 – Fire Districts and Fire Hydrants
Testimony Presented at the
Senate Elections and Local Government Committee
On January 27, 2004
By Ron Appletoft, Governmental Affairs Coordinator

Water District No. 1 of Johnson County appears to offer a friendly amendment to S.B. 292 which would allow fire districts to acquire, install and maintain fire hydrants.

Water District No. 1 is organized as a regional public water utility and serves over 370,000 consumers in and around Johnson County. The Water District is operated as a quasi-municipal corporation pursuant to K.S.A. 19-3501 et seq.

It is my understanding that this bill is intended to allow flexibility as to how fire districts are allowed to spend their funds related to fire hydrants within rural water districts. We have no opposition to that concept however the bill as written would also apply to our water district. Water District No. 1 currently purchases, installs and maintains fire hydrants for our service territory and we would like to continue that policy which protects our customers. We would like to offer a slight wording change to clarify the bill. The language that S.B. 292 adds is repeated 11 times in the bill. We ask that in each instance the language be amended to clarify:

- this bill applies to rural water districts.
- any changes as to acquisition, installation and maintenance of fire hydrants are mutually agreeable to both the fire district and the rural water district.

I have attached a copy of the amended bill to my testimony. Water District No. 1 has urges your support of our amendment to S.B. 292.

Senate Elec & Loc Gov
01-27-04
Attachment 8

SENATE BILL No. 292

By Senators Barnett and Schmidt

12-22

9 AN ACT concerning fire protection; authorizing payment for acquisition,
10 installation or maintenance of fire hydrants by fire districts and town-
11 ships; amending K.S.A. 2003 Supp. 12-3915, 19-3601a, 19-3612e, 19-
12 3616, 19-3620, 80-1501, 80-1514a, 80-1904, 80-1913, 80-1917 and 80-
13 1921 and repealing the existing sections.

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

15 Section 1. K.S.A. 2003 Supp. 12-3915 is hereby amended to read as
16 follows: 12-3915. The governing body of any fire district created pursuant
17 to this act shall have the authority to:
18

19 (a) Levy taxes and special assessments as provided by law. Except as
20 provided by K.S.A. 12-3913, and amendments thereto, the governing
21 body shall fix the amount of the tax, not to exceed 11 mills, to be levied
22 upon all taxable tangible property in the consolidated fire district;

23 (b) enter into contracts;

24 (c) acquire and dispose of real and personal property;

25 (d) acquire, construct, reconstruct, equip, operate, maintain and fur-
26 nish buildings to house fire-fighting equipment;

27 (e) acquire, operate and maintain fire-fighting equipment;

28 (f) issue general obligation bonds and no-fund warrants;

29 (g) pay compensation and salaries to fire district employees;

30 (h) exercise eminent domain;

31 (i) pay the operation and maintenance expenses of the fire district
32 and other expenses legally incurred by the district;

33 (j) select regular employees, provide for their compensation and fur-
34 nish quarters for such employees if deemed desirable;

35 (k) provide for the organization of volunteer members who may be
36 compensated for fighting fires, responding to emergencies or attending
37 meetings;

38 (l) provide special clothing and equipment for such employees and
39 volunteers;

40 (m) insure such employees and volunteers against accidental death
41 and injury in the performance of their duties;

42 ~~(n) pay for the acquisition, installation or maintenance of one or more~~
43 ~~fire hydrants including any necessary equipment, services or supplies re-~~

Senate Elec & Loc Gov
01-27-04
8-2

Delete all the language in the current amendment and insert in each of the appropriate places for all sections, except section 6:

8-3

~~lated thereto;~~ and
(n) (o) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of the district and otherwise effectuate the purposes of this act.

Sec. 2. K.S.A. 2003 Supp. 19-3601a is hereby amended to read as follows: 19-3601a. Upon the creation of a fire district under the provisions of K.S.A. 19-3601 et seq., and amendments thereto, the governing body shall have the authority to:

- (a) Enter contracts;
- (b) acquire and dispose of real and personal property;
- (c) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire fighting equipment;
- (d) acquire, operate and maintain fire fighting equipment;
- (e) issue bonds as provided in this act;
- (f) pay compensation and salaries to fire district employees;
- (g) pay compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings;
- (h) exercise eminent domain;
- (i) pay the operation and maintenance expenses of the fire district and any other expenses legally incurred by the fire district;
- (j) *pay for the acquisition, installation or maintenance of one or more fire hydrants including any necessary equipment, services or supplies related thereto;* and
- (k) do all other things necessary to effectuate the purposes of this act.

Sec. 3. K.S.A. 2003 Supp. 19-3612e is hereby amended to read as follows: 19-3612e. (a) The governing body of Reno county fire district No. 2 and the governing body of Sedgwick county fire district No. 1, both created under K.S.A. 19-3601 et seq., and amendments thereto, shall have the power to levy a tax in an amount to be determined by such governing body upon all taxable tangible property in the district for the purpose of paying:

- (1) Compensation to fire district employees;
- (2) The expenses of operating and maintaining the fire district;
- (3) compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings;
- (4) *for the acquisition, installation or maintenance of one or more fire hydrants including any necessary equipment, services or supplies related thereto;* and

~~4)~~ (5) other legal expenses of the fire district.

Whenever the governing body of the fire district determines it is necessary to increase the amount levied in the next preceding year, the governing body shall give notice of its intent to increase such levy by

() pay for the acquisition, installation or maintenance of one or more fire hydrants on water lines owned, operated or maintained by a rural water district established pursuant to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments thereto. The governing body also may pay for any equipment, supplies or services related to such fire hydrants. Such acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire district and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant is to be installed

8-3

(1) Select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable;

(2) provide for the organization of volunteer members of such department and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;

(3) provide special clothing and equipment for such employees and volunteers;

(4) insure such employees and volunteers against accidental death and injury in the performance of their duties;

(5) *pay for the acquisition, installation or maintenance of one or more fire hydrants including any necessary equipment, services or supplies related thereto;* and

(6) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such district.

Sec. 6. K.S.A. 2003 Supp. 80-1501 is hereby amended to read as follows: 80-1501. (a) Any township or county may join with a municipality in the maintenance of a fire department for the prevention and fighting of fires within their boundaries. The cost of equipment and maintenance, ~~the cost of the acquisition, installation or maintenance of one or more fire hydrants, including any necessary equipment, services or supplies related thereto,~~ the payment of compensation to employees of the fire department, the rent or purchase of buildings shall be paid in such proportion as agreed upon by the parties. The supervision and control of the department shall be with the governing body of the municipality if the municipality joins with a township or county. The fire department members may be paid or may be volunteers and shall be subject to the limitations of this section and such rules and regulations as the municipalities adopt. Volunteer members may be paid compensation for fighting fires, responding to emergencies or attending meetings. Such departments, when organized, may incorporate as firefighters' relief associations, and such associations shall come within the purview and be subject to the provisions of and entitled to the rights under article 17, chapter 40, of the Kansas Statutes Annotated and amendments thereto.

(b) When a municipality and a township join, the agreements shall be entered into by the municipality by ordinance and by the township or county by resolution, and the agreement as set out in the ordinance and resolution shall be signed by the mayor of the city and attested by the city clerk and, in the case of a township shall be signed by the township trustee and attested by the township clerk and, in the case of a county shall be signed by the chairperson of the board of county commissioners and attested by the county clerk. The agreement shall state the amount each party shall contribute, the rules and regulations governing the de-

In Section 6 strike amendment and insert:

The governing body of the joint fire department may pay for the acquisition, installation or maintenance of one or more fire hydrants on water lines owned, operated or maintained by a rural water district established pursuant to K.S.A. 82a-601 et seq. or 82a-612 et seq., and amendments thereto. The governing body also may pay for any equipment, supplies or services related to such fire hydrants. Such acquisition, installation and maintenance shall be subject to the mutual agreement of the governing body of the fire department and the governing body of the rural water district which owns, operates or maintains the water line on which the fire hydrant is to be installed.

Capitol Office

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Senator Derek Schmidt
15th District

Committee Assignments

Agriculture (Chairman)
Legislative Post Audit (Chairman)
Judiciary
Natural Resources
Elections and
Local Government

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Testimony in Support of Senate Bill 328
Presented to the Senate Elections & Local Government Committee
By Senator Derek Schmidt

January 27, 2004

Chairman Allen and members of the Committee, thank you for the opportunity to appear before you in support of Senate Bill 328.

This issue was brought to my attention by a constituent who is a landlord in Allen County. My constituent, Mr. Walter Myers, could not come to Topeka today, but I have attached to this testimony a letter he sent me in support of this legislation.

The problem is this: Current law allows that when a tenant becomes delinquent in paying his sewer or water bills to the city, the city may obtain a lien against the property in which the tenant resides.

But the tenant does not own that property – the landlord does.

It's easy to see the problem this can create. An irresponsible tenant can run up large utility bills, skip town, and leave the landlord holding the bag. That's just not right – especially since the landlord also lacks authority to turn off the tenant's utilities!

Of course, local governments need a tool to collect money owed by deadbeat consumers of sewer and water services. I would submit, however, that the proper tool involves adequate deposits and the obtaining of sufficient information upon application to facilitate collection actions in the event of default.

The wrong tool is the one we have today – which allows collection of a debt from a party who never incurred it.

Senate Bill 328 would eliminate the option to obtain a lien against rental property for unpaid sewer and water bills that are contracted for and owed by the tenant.

I encourage the committee to consider this measure favorably and would stand for questions.

Senate Elec & Loc Gov
01-27-04
Attachment 9

Trailside Enterprises

PO Box 37, Gas City, KS 66742

620-365-6938



10 January 2004

State Sen. Derek Schmidt
% PO Box 747
Independence KS 67301

Subject: Needed Legislation

Reference your letter of 12-8-03; a copy of which is attached

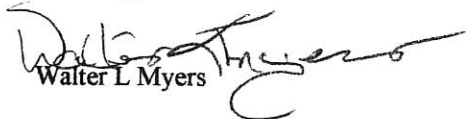
Dear Sen. Schmidt:

I appreciate your agreeing it's "just plain wrong that a landlord can be held financially accountable" for tenants' utility bills. I find this particularly true when the governing body is so irresponsible as to allow a tenant's bill to rise to the point where it's many times greater than the tenant's deposit with the governing agency. In 2003, we (Trailside Enterprises) had to pay over \$1,000 for utility bills we didn't create nor had any authority to control.

A basic tenant of American law used to be that "Thou shall not steal." And yet, this is exactly what governing bodies are doing. They coerce landlords to pay bills created under a contract between the governing body and tenant by threatening to place a lien on the landlord's property if they don't pay the tenants bills. Yet, the landlord is not a party to the contract nor are they privy to the information as to when or how much a tenant is in arrears on their bill(s). And even if a landlord knew a tenant was in arrears, it's illegal for her or him to shut off a tenant's utilities.

I won't be able to testify at the hearings on your bill re this subject. Please use this letter to express my position on the issue to your peers. Many thanks for any help you can provide.

Sincerely,


Walter L Myers

Senate Elec + Loc Gov
01-27-04
Attachment 10

Ed Jaskinia
President
(913) 299-8383

James Dunn
Vice President (Zone 1)
(785) 843-5272

The Associated Landlords of Kansas



Dr. Alex [unclear]
Vice President (Zone 2)
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P.O. Box 4221 • Topeka, Kansas 66604-0221

The Associated Landlords of Kansas (TALK) was created in 1981 by a group of people from across Kansas to "Promote a strong voice in the legislature, a high standard of ethics, and provide educational opportunities for landlords." Some of our members helped create The Residential Landlord-Tenant Act of 1975, a model of fair law for both landlords and tenants. Our organization consists of members in 19 chapters across the state, and new chapters are in the process of being formed.

In this 2004 legislative session, we continue to work for fair and decent housing for all.

TESTIMONY

S.B. 328

Existing law allows local government to place a lien on property that has unpaid sewer service charges, and to discontinue water service if either the water bill or sewer service charges are not paid.

Some local governments have decided that if a tenant contracts for the service and does not pay, then the penalties for non payment are to be absorbed by the property and its owner, even though the owner is not a party to the contract between the tenant and utility provider.

This bill seeks to correct the language in the existing laws to prevent that from happening.

If we can be of help to you in this or any other areas concerning property, tenants, or landlords, please feel free to contact us.

Ed Jaskinia, President

Senate Elec Loc Gov
01-27-04
Attachment 11

ZONE 1
Landlords of Lawrence Inc.
Landlords of Johnson County, KS Inc.
K.C.KS. Landlords Inc., serving Wyandotte Co.
Eastern Kansas Landlords Assc., serving Miami Co.
Franklin Co. Landlords Assc.

ZONE 2
Landlords of Manhattan Inc.
Geary County Landlords Inc.
Jackson County Landlords Assc.
Shawnee County Landlords Assc.
Salina Rental Property Providers Inc.
South Central Kansas Landlord Assc.
Serving Sumner County

ZONE 3
Central Kansas Landlords Assc.
Bourbon County Landlords Assc.
Cherokee County Landlords Assc.
Crawford County Landlords Assc.
Montgomery County Landlords Assc.
Allen County Landlords Assc.
Rental Owner Inc., serving Sedgwick County
Labette County Landlords Assc.



League of Kansas Municipalities

To: Senate Elections and Local Government Committee
From: Kim Gulley, Director of Policy Development & Communications
Date: January 27, 2004
Re: Opposition to SB 328

Thank you for the opportunity to appear before you today on behalf of the 555 member cities of the League of Kansas Municipalities (LKM). LKM and our member cities stand in opposition to SB 328. Because SB 328 would prohibit the collection of fees due and owing to the city from landlords, SB 328 would have a negative impact on all cities that operate water and sewer systems.

Under state law, and most city ordinances, cities are allowed to collect water and sewer charges from landlords if a particular tenant refuses to pay their bill. There are three key reasons for this policy.

- **Water and Sewer Service Run With the Land.** While a part of each month's bill is based on the specific usage by each individual customer, most water and sewer bills contain a "minimum monthly payment" which is required as a result of the property's connection to the water or sewer system itself. This is a strong indication that it is the connection to the system which is of greatest value to the property and this expense should ultimately be borne by the landlords of the property who are free to pay it themselves as owners or to pass it on to their tenants in their lease payments.
- **Equity.** The real crux of this issue is equity. If cities are unable to collect delinquent water and sewer bills from landlords who have rented to tenants who refuse to pay their bills, then the remaining citizens of the city will bear the cost in higher water and sewer rates. Citizens of the community who pay their bills in a timely fashion should not be penalized for those tenants who refuse to pay their bills. The landlords, who own the property, and are using the property as a money-making enterprise should be obligated to make sure that the city services which are delivered to that property are ultimately paid for.
- **Landlords Have Alternatives.** Allowing a tenant to individually contract for his or her own water and sewer service is really up to the landlords. Many landlords simply include water and sewer service as part of their rent charges, thereby avoiding the situation where a tenant "skips out" on the payment of those charges.

The lien which is provided for in statute and in most city ordinances is the mechanism by which cities and their citizens can be assured that each property pays its fair share for the use of city services. SB 328 would amount to a subsidy of landlords by property owners who pay their bills appropriately. For these reasons, we respectfully request that you do not report SB 328 favorably for passage. Thank you for the opportunity to share our concerns on this issue. I would be happy to stand for questions at the appropriate time.