

SESSION OF 2005

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 63**

As Amended by House Committee of the Whole

**Brief\***

SB 63, as amended, would allow landlords to install a separate meter (sub-meter) to monitor individual tenants' water usage in order to charge the tenant his or her actual share of water used. The bill would exclude landlords from the definition of a "public utility" if the landlord supplies water from a city or water district to a tenant at the same rate charged by the city or water district. Landlords in compliance with this bill would not be subject to the jurisdiction of the Kansas Corporation Commission.

In addition, the bill would clarify the following:

- That a lease in effect at the time of enactment of the bill would not be affected, therefore, a landlord must wait until the expiration of the lease to charge a tenant for his or her actual share of water used if a sub-meter is installed;
- That a landlord is not allowed to charge the tenant a surcharge for the installation of the sub-meter; and
- That a landlord shall provide the tenant with a monthly statement showing how the tenant's share of the water bill was computed.

Finally, the bill would add a new provision to the statutory definition of "public utility." The bill would provide that for the purpose of taking property through the exercise of eminent domain, the term "public utility" would not include activities for siting or placement of wind powered electrical generators or turbines, including the towers.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

## **Background**

Ed Jaskinia, Associated Landlords of Kansas, and Martha Neu Smith, Kansas Manufactured Housing Association, testified in support of the bill. No opponents testified in opposition of the bill.

The House amended the bill to amend the statutory definition of "public utility."

The Division of the Budget's fiscal note for the bill indicates that enactment of the bill would have no fiscal effect on the state budget.