

Approved: April 5, 2002
Date

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:10 a.m. on February 25, 2002 in Room 526-S of the Capitol.

All members were present except: Representative Mary Compton

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: Martha Neu Smith, Kansas Manufactured Housing
Christ Curtin, Curtin Properties
Sam Alpert, Heartland Apartment Association
Karl Zobrist, Blackwell Sanders Law Firm
Clark Lindstru, Peterson Properties
Rich Oddo, Oddo Development

Others attending: See Attached List

HB 2999 - Public utilities, excluding certain landlords from definition

Chairman Holmes opened the hearing on **HB 2999**.

Martha Neu Smith, Executive Director for Kansas Manufactured Housing Association, presented testimony in support of **HB 2999 (Attachment 1)**. Ms. Smith requested an amendment to include manufactured home communities (mobile home parks).

Chris Curtin, President of Curtin Property Company, appeared in support of **HB 2999 (Attachment 2)**. Mr. Curtin stated this legislation was necessary to clarify that landlords are not mandated to become a public utility if they submeter and collect and remit water bills to the providing water utility.

Sam Alpert, Executive Director of Heartland Apartment Association, spoke in support of **HB 2999 (Attachment 3)**. Mr. Alpert explained that passing this bill would benefit renters, multifamily property owner as well as the state in a number of ways. It provides a common sense approach to a rare opportunity for multifamily owners to bring rising expenses into a more manageable realm.

Karl Zobrist, Blackwell & Sanders Law Firm, testified in support of **HB 2999 (Attachment 4)**. Mr. Zobrist said the legislation should be enacted to help clarify who is and isn't a public utility.

Clark Lindstrum, Peterson Properties, also appeared in support of **HB 2999**. Mr. Lindstrum echoed the concerns of the previous conferees and asked that the bill be passed out favorably.

Rick Oddo, Oddo Developments, testified in favor of **HB 2999 (Attachment 5)**. Mr. Oddo detailed the possible savings they would have if this legislation was passed.

The conferees responded to questions from the committee. Additionally, Anne Tymeson, Assistant General Counsel, responded to questions from the committee.

Chairman Holmes closed the hearing on **HB 2999**.

HB 2959 - Open Records Act exception for records related to security of utilities

Chairman Holmes opened the debate on **HB 2959**. Representative Krehbiel moved to recommend HB 2959 favorable for passage. Representative Dahl seconded the motion. The motion carried. Representative Krehbiel will carry the bill.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 9:10 a.m. on February 25, 2002.

HB 2644 - Automatic pass through to customers of certain electric and natural gas utility costs for security measures

Chairman Holmes opened the debate on **HB 2644**. A proposed substitute was distributed to the committee (Attachment 6). Representative Dillmore moved to adopt the proposed substitute minus section 2 (b). Representative McClure seconded the motion. During discussion, Chairman Holmes allowed industry representatives to comment. Cynthia Smith, Kansas City Power & Light; Mark Schreiber, Westar Energy; and Steve Johnson, Kansas Gas Service provided statements of support. Anne Tymeson, Assistant General Counsel for the Kansas Corporation Commission, stated they had no objection to the new language. Motion carried. Representative Dillmore moved to recommend Substitute for **HB 2644** favorable for passage. Representative Kuether seconded the motion. Motion carried. Representative Dillmore will carry the bill.

HB 2712 - KDFA authorized to issue bonds to finance regional broadband technology facilities

Representative Krehbiel moved to remove **HB 2712** from the table. Representative Sloan seconded the motion. Motion failed.

HB 2999 - Public utilities, excluding certain landlords from definition

Chairman Holmes opened discussion on **HB 2999**. A member of the committee expressed concerns about the bill's effect on K.S.A.65-162a.

The meeting adjourned at 10:47 a.m.

Next meeting will be February 26, 2002.