

To: Senate Committee on Local Government
From: Spencer Duncan, Government Affairs Director
Date: February 29, 2024
Re: SB 510 – Requiring Cities to Reconnect Property to the Sewer System
In Opposition – Verbal Testimony

Thank you to the Chair and Committee for the opportunity to provide testimony today.

The League of Kansas Municipalities is concerned that SB 510 shifts a responsibility that has long belonged to property owners and puts the onus on cities and, more importantly, all taxpaying citizens. We ask you not to pass out SB 510.

Primary sewer lines are provided as an essential service. However, connections of private lines to a primary system are the responsibility of a property owner. There are many reasons for this, ranging from how they wish to run a line through a property to allowing them to determine what they are connecting to on a property.

SB 510 lays out no guidelines for who has final authority if a reconnect from a private owner is requested. Does the city set the guidelines, or does the property owner have final say? Where can a city draw the line on costs associated with an owner who wants an expansive connection to various buildings on one property? What if it takes more than 10 days?

Sewer line disconnection on private property traditionally happens for four primary reasons: a collapse or obstruction; failure to pay; a property owner voluntarily disconnects from the primary system; or construction on the property or an adjacent property creates a disconnection. We appreciate that SB 510 excludes failure to pay, although should note that even failure to pay on wastewater/stormwater bills can lead to a water shut off, but not likely sewer line disconnection due to the way it connects to a system.

If a property owner voluntarily disconnects at some point, it should not be the responsibility of a city to reconnect within 10 days on request. **If it becomes the default responsibility of a city to pay for reconnection there will be property owners likely to disconnect or not repair/maintain lines because they will not have to consider the consequences of that decision.** Ownership of property comes with a personal responsibility to maintain the property, and pushing more of that burden on the taxpayers is costly for citizens.

For a disconnect due to construction on a property or an adjacent property, that should be managed prior to a project beginning and built into the overall project. **If a disconnect occurs due to work by an adjacent property owner, that becomes a civil matter between the parties.** It can also be a criminal act. A city can issue citations but reconnect expenses should be the responsibility of the party that created the disconnect. Most cities have ordinances against one property owner hindering sewer lines of another property owner.

SB 510 does not define disconnected and reconnect, which is important in establishing what cities will be responsible for. Sewer systems do not have valves or meters that are shut off to disconnect a private sewer from the primary system. Once a private sewer is connected, it is always connected. If a private sewer is “disconnected” this likely means the line is not operating or flowing properly, due to a collapse or obstruction. Under SB 510 “reconnect” is more than just turning something back on but could require major reconstruction of a line without limits as to what that could entail. This lack of clarity is problematic and could be costly for taxpayers in a city who would now be responsible for every private connection on residential and commercial properties.

We ask you not to pass out SB 510. However, if the committee sees fit to work on this bill, then we ask you to incorporate language that precisely narrows the reconnection parameters to address the specific issue targeted in this legislation.

Thank you for your time and consideration of the matter, and I am always available to provide additional information and answer questions.



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