

SENATE BILL No. 297

By Committee on Assessment and Taxation

3-15

1 AN ACT concerning cities and counties; establishing restrictions on the
2 collection of solid waste fees; amending K.S.A. 12-2102, 12-2106 and
3 65-3410 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 12-2102 is hereby amended to read as follows: 12-
7 2102. The governing body of any city may provide for the collection and
8 disposal of garbage or trash or both of them and in doing so may provide
9 for the collection and disposal of either one or both by contract or either
10 one or both as a municipal function and any contract may be for not more
11 than ~~ten (10)~~ 20 years and such contract shall not be considered as being in
12 conflict with the cash basis and budget laws: ~~Provided, That any such~~
13 ~~contract may be for not more than twenty (20) years by any city of the first~~
14 ~~class having the commission form of government with three~~
15 ~~commissioners elected for terms of four years and a population in excess~~
16 ~~of one hundred twenty thousand (120,000), and any change in form of~~
17 ~~government or number or terms of commissioners or population shall not~~
18 ~~affect the power of any city qualifying at the time this act takes effect in~~
19 ~~the exercise of this power hereafter.~~ If the city collects and disposes of
20 garbage or trash or both as a municipal function it shall have power to
21 purchase all necessary equipment, acquire all necessary land, build any
22 necessary buildings, incinerators or other structures, to lease land or
23 otherwise acquire the right to use land for the disposal of garbage or trash
24 or both, and to do all other things necessary to a proper, effective, and
25 sanitary disposal of garbage and trash: ~~Provided, That garbage which may~~
26 ~~be disposed of through a sewage disposal plant may be disposed of~~
27 ~~through the sewage disposal plant rather than by burning, burying, or~~
28 ~~feeding or other disposal.~~

29 Sec. 2. K.S.A. 12-2106 is hereby amended to read as follows: 12-
30 2106. Parties having no garbage or trash shall not be required to pay any
31 service charge: ~~Provided, No such service charge shall be levied against~~
32 ~~vacant lots or other vacant property.~~ The governing body may pass
33 ordinances prohibiting the accumulation of garbage and trash ~~other than as~~
34 ~~specified to the end that the city may be kept clean and sanitary,~~ and may
35 prohibit the owners of garbage and trash from transporting it along the
36 streets or disposing of it in a manner causing a nuisance or in unsightly

1 and insanitary ways.

2 Sec. 3. K.S.A. 65-3410 is hereby amended to read as follows: 65-
3 3410. (a) Each city or county or combination of such cities and counties
4 may provide for the storage, collection, transportation, processing and
5 disposal of solid wastes and recyclables generated within its boundaries;
6 and shall have the power to implement any approved solid waste
7 management plan and to purchase all necessary equipment, acquire all
8 necessary land, build any necessary buildings, incinerators, transfer
9 stations, or other structures, lease or otherwise acquire the right to use land
10 or equipment and to do all other things necessary for a proper effective
11 solid waste management system and recycling program including the
12 levying of fees and charges upon persons receiving service. On or before
13 the first day of July of each calendar year, the board of county
14 commissioners of any county, may, by resolution establish a schedule of
15 fees to be imposed on real property within any county solid waste and
16 recyclables service area;. Revenue from such fees ~~to~~ shall be used: to
17 implement an approved solid waste management plan, to conduct
18 operations necessary to administer the plan and to carry out its purposes
19 and provisions; or for the acquisition, operation and maintenance of county
20 waste disposal sites; or for financing waste collection, storage, processing,
21 reclamation, disposal services and recycling programs, where such
22 services are provided. In establishing the schedule of fees, the board of
23 county commissioners shall classify the real property within the county
24 solid waste and recyclables service area based upon the various uses to
25 which the real property is put, the volume of waste occurring from the
26 different land uses and any other factors that the board determines would
27 reasonably relate the waste disposal and recyclable fee to the real property
28 upon which it would be imposed.

29 The board shall set a reasonable fee for each category established and
30 divide the real property within the county service areas according to
31 categories and ownership. The board shall impose the appropriate fee upon
32 each division of land and provide for the billing and collection of such
33 fees. The fees may be established, billed, and collected on a monthly,
34 quarterly or yearly basis. ~~Fees collected on a yearly basis may be billed on~~
35 ~~the ad valorem tax statement.~~ Prior to the collection of any fees levied on
36 real property by the board under this section, the board shall notify
37 affected property owners by causing a copy of the schedule of fees to be
38 mailed to each property owner to whom tax statements are mailed in
39 accordance with K.S.A. 79-2001, and amendments thereto.

40 Any fees authorized pursuant to this section which remain unpaid for a
41 period of 60 or more days after the date upon which they were billed may
42 be collected ~~thereafter~~ by the county as provided ~~herein~~ *in this subsection*.

43 (1) At least once a year the board of county commissioners shall

1 cause to be prepared a report of delinquent fees. The board shall fix a time,
2 date, and place for hearing the report and any objections or protests
3 thereto.

4 (2) The board shall cause notice of the hearing to be mailed to the
5 property owners listed on the report not less than 10 days prior to the date
6 of the hearing.

7 (3) At the hearing the board shall hear any objections or protests of
8 property owners liable to be assessed for delinquent fees. The board may
9 make such revisions or corrections to the report as it deems just, after
10 which, by resolution, the report shall be confirmed.

11 (4) The delinquent fees set forth in the report as confirmed shall
12 constitute assessments against the respective parcels of land and are a lien
13 on the property for the amount of such delinquent fees. A certified copy of
14 the confirmed report shall be filed with the county clerk for the amounts of
15 the respective assessments against the respective parcels of land as they
16 appear on the current assessment roll. The lien created attaches upon
17 recordation, in the office of the county clerk of the county in which the
18 property is situated, of a certified copy of the resolution of confirmation.
19 The assessment may be collected at the same time and in the same manner
20 as ordinary county ad valorem property taxes are collected and shall be
21 subject to the same penalties and the same procedure and sale in case of
22 delinquency as provided for such taxes. All laws applicable to the levy,
23 collection, and enforcement of county ad valorem property taxes shall be
24 applicable to such assessment.

25 Any city collecting solid waste fees or charges may collect delinquent
26 fees or charges for garbage and trash storage, collection and disposal in the
27 manner provided for counties.

28 (b) In carrying out its responsibilities, any such city or county may
29 adopt ordinances, resolutions, regulations and standards to implement an
30 approved solid waste management plan, to conduct operations necessary to
31 administer the plan and to carry out its purposes and provisions; and for
32 the storage, collection, transportation, processing and disposal of solid
33 wastes and recyclables which shall be in conformity with the rules,
34 regulations, standards and procedures adopted by the secretary for the
35 storage, collection, transportation, processing and disposal of solid wastes
36 and recyclables.

37 (c) Cities or counties may contract with any person, city, county,
38 other political subdivision or state agency in this or other states to carry
39 out their responsibilities to implement an approved solid waste
40 management plan including any operations necessary to administer the
41 plan and carry out its purposes and provisions; and for the collection,
42 transportation, processing and disposal of solid wastes and recyclables.

43 Sec. 4. K.S.A. 12-2102, 12-2106 and 65-3410 are hereby repealed.

1 Sec. 5. This act shall take effect and be in force from and after its
2 publication in the statute book.