

HOUSE BILL No. 2158

By Committee on Local Government

1-24

AN ACT concerning solid waste; relating to fees and charges for the collection and disposal thereof; amending K.S.A. 65-3410 and repealing the existing section.

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

Section 1. K.S.A. 65-3410 is hereby amended to read as follows: 65-3410. (a) Each city or county or combination of such cities and counties may provide for the storage, collection, transportation, processing and disposal of solid wastes generated within its boundaries, ~~and~~. *Such cities or counties* shall have the power to purchase all necessary equipment, acquire all necessary land, build any necessary buildings, incinerators, transfer stations, or other structures, lease or otherwise acquire the right to use land or equipment and to do all other things necessary for a proper effective solid waste management system including the levying of fees and charges upon persons receiving service. On or before the first day of July of each calendar year, the board of county commissioners of any county, ~~may~~, by resolution, *may* establish a schedule of fees to be imposed on real property within any county solid waste service area. Revenue from such fees ~~to~~ *shall* be used for the acquisition, operation and maintenance of county waste disposal sites and/or for financing waste collection, storage, processing, reclamation, and disposal services, where such services are provided. In establishing the schedule of fees, the board of county commissioners shall classify the real property within the county solid waste service area based upon the various uses to which the real property is put, the volume of waste occurring from the different land uses and any other factors that the board determines would reasonably relate the waste disposal fee to the real property upon which it would be imposed.

The board shall set a reasonable fee for each category established and divide the real property within the county service areas according to categories and ownership. The board shall impose the appropriate fee upon each division of land and provide for the billing and collection of such fees. The fees may be established, billed, and collected on a monthly, quarterly or yearly basis. Fees collected on a yearly basis may be billed on the ad valorem tax statement. Prior to the collection of any fees levied on real property by the board under this section, the board shall notify

1 affected property owners by causing a copy of the schedule of fees to be
2 mailed to each property owner to whom tax statements are mailed in
3 accordance with K.S.A. 79-2001, ~~or any~~ *and* amendments thereto.

4 Any fees authorized pursuant to this section which remain unpaid for
5 a period of ~~sixty (60)~~ 60 or more days after the date upon which they
6 were billed may be collected thereafter by the county as provided herein.

7 (1) At least once a year, the board of county commissioners shall
8 cause to be prepared a report of delinquent fees. The board shall fix a
9 time, date, and place for hearing the report and any objections or protests
10 thereto.

11 (2) The board shall cause notice of the hearing to be mailed to the
12 property owners listed on the report not less than ~~ten (10)~~ 10 days prior
13 to the date of the hearing.

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

18 (4) The delinquent fees set forth in the report as confirmed *and any*
19 *administrative fee imposed pursuant to subsection (b)* shall constitute as-
20 sessments against the respective parcels of land and are a lien on the
21 property for the amount of such delinquent fees. A certified copy of the
22 confirmed report shall be filed with the county clerk for the amounts of
23 the respective assessments against the respective parcels of land as they
24 appear on the current assessment roll. The lien created attaches upon
25 recordation, in the office of the county clerk of the county in which the
26 property is situated, of a certified copy of the resolution of confirmation.
27 The assessment may be collected at the same time and in the same man-
28 ner as ordinary county ad valorem property taxes are collected and shall
29 be subject to the same penalties and the same procedure and sale in case
30 of delinquency as provided for such taxes. All laws applicable to the levy,
31 collection, and enforcement of county ad valorem property taxes shall be
32 applicable to such assessment.

33 *(b) The county may impose an administrative fee in an amount not*
34 *to exceed \$25 on any property for which the fees imposed pursuant to*
35 *subsection (a) have become delinquent and have been attached to the*
36 *current assessment roll as liens against the property pursuant to subsec-*
37 *tion (a)(4).*

38 *(c) Any city collecting solid waste fees or charges may collect delin-*
39 *quent fees or charges for garbage and trash storage, collection and dis-*
40 *posal in the manner provided for counties.*

41 ~~(d)~~ *(d) In carrying out its responsibilities, any such city or county may*
42 *adopt ordinances, resolutions, regulations and standards for the storage,*
43 *collection, transportation, processing and disposal of solid wastes which*

1 shall be in conformity with the rules, regulations, standards and proce-
2 dures adopted by the secretary for the storage, collection, transportation,
3 processing and disposal of solid wastes.

4 ~~(e)~~ (e) Cities or counties may contract with any person, city, county,
5 other political subdivision or state agency in this or other states to carry
6 out their responsibilities for the collection, transportation, processing and
7 disposal of solid wastes.

8 (f) *This section is enabling legislation for the regulation of solid waste*
9 *and is not intended to prevent the enactment and enforcement of addi-*
10 *tional laws on the same subject which are not in conflict with the provi-*
11 *sions of this section.*

12 Sec. 2. K.S.A. 65-3410 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its
14 publication in the statute book.

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