

SENATE BILL No. 416

By Committee on Natural Resources

2-2

9 AN ACT concerning solid waste; relating to fees; amending K.S.A. 65-
10 3410 and repealing the existing section.

11

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

13 Section 1. K.S.A. 65-3410 is hereby amended to read as follows: 65-
14 3410. (a) Each city or county or combination of such cities and counties
15 may provide for the storage, collection, transportation, processing and
16 disposal of solid wastes *and recyclables* generated within its boundaries;
17 and shall have the power to purchase all necessary equipment, acquire
18 all necessary land, build any necessary buildings, incinerators, transfer
19 stations, or other structures, lease or otherwise acquire the right to use
20 land or equipment and to do all other things necessary for a proper ef-
21 fective solid waste management system *and recycling program* including
22 the levying of fees and charges upon persons receiving service. On or
23 before the first day of July of each calendar year, the board of county
24 commissioners of any county, may, by resolution establish a schedule of
25 fees to be imposed on real property within any county solid waste *and*
26 *recyclables* service area, revenue from such fees to be used for the ac-
27 quisition, operation and maintenance of county waste disposal sites and/
28 or for financing waste collection, storage, processing, reclamation, ~~and~~
29 disposal services *and recycling programs*, where such services are pro-
30 vided. In establishing the schedule of fees, the board of county commis-
31 sioners shall classify the real property within the county solid waste *and*
32 *recyclables* service area based upon the various uses to which the real
33 property is put, the volume of waste occurring from the different land
34 uses and any other factors that the board determines would reasonably
35 relate the waste disposal *and recyclable* fee to the real property upon
36 which it would be imposed.

37 The board shall set a reasonable fee for each category established and
38 divide the real property within the county service areas according to cat-
39 egories and ownership. The board shall impose the appropriate fee upon
40 each division of land and provide for the billing and collection of such
41 fees. The fees may be established, billed, and collected on a monthly,
42 quarterly or yearly basis. Fees collected on a yearly basis may be billed
43 on the ad valorem tax statement. Prior to the collection of any fees levied

1 on real property by the board under this section, the board shall notify
2 affected property owners by causing a copy of the schedule of fees to be
3 mailed to each property owner to whom tax statements are mailed in
4 accordance with K.S.A. 79-2001, or any amendments thereto.

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

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

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

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

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

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

36 (b) In carrying out its responsibilities, any such city or county may
37 adopt ordinances, resolutions, regulations and standards for the storage,
38 collection, transportation, processing and disposal of solid wastes which
39 shall be in conformity with the rules, regulations, standards and proce-
40 dures adopted by the secretary for the storage, collection, transportation,
41 processing and disposal of solid wastes.

42 (c) Cities or counties may contract with any person, city, county, other
43 political subdivision or state agency in this or other states to carry out

- 1 their responsibilities for the collection, transportation, processing and dis-
- 2 posal of solid wastes.
- 3 Sec. 2. K.S.A. 65-3410 is hereby repealed.
- 4 Sec. 3. This act shall take effect and be in force from and after its
publication in the statute book.