

CHAPTER 107
SENATE BILL No. 328

AN ACT concerning municipalities, relating to liens for water and sewer service; amending K.S.A. 12-631k, 12-860, 14-569, 19-2765b and 19-27,170 and repealing the existing sections.

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

Section 1. K.S.A. 12-631k is hereby amended to read as follows: 12-631k. (a) *Except as provided in subsection (b)*, in the event any person, firm, corporation, political unit (except the United States and the state of Kansas) or organization living or operating on premises connected to a sanitary sewer, ~~shall neglect, fail or refuse~~ *neglects, fails or refuses* to pay the service charges fixed by the governing body of ~~said~~ *the* city or of such township sewer district for the operation of the sewage disposal system, such charges shall constitute a lien upon the real estate served by the connection to the sewer, and shall be certified by the clerk of the city or of the township sewer district to the county clerk of the county in which ~~said~~ *the* city or township sewer district is located, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible, ~~and such~~ *the* governing body is hereby authorized to refuse the delivery of water through the pipes and mains of a publicly owned waterworks until such time as such charges are fully paid.

(b) *The lien established by subsection (a) shall not apply whenever the use of the sewage disposal system has been contracted for by a tenant and not by the landlord or owner of the property affected.*

Sec. 2. K.S.A. 12-860 is hereby amended to read as follows: 12-860. (a) The governing body of the city shall establish such rates and charges for water and for the use of the sewage disposal system as shall be reasonable and sufficient to pay the cost of operation, repairs, maintenance, extension and enlargement of the water and sewage system and improvements thereof and new construction and the payment of any bonds and the interest thereon as may be issued for such water and sewage system: ~~Provided~~. No revenue shall be used for the payment of bonds payable primarily by assessments against property in sewer districts: ~~Provided further~~ ~~That~~. Such revenue may be used to pay revenue bonds or general obligation bonds payable by the city at large issued for either the waterworks system or sewage disposal system before the systems were combined or for the water and sewage system after they have been combined. The city is authorized to discontinue water service for any failure to pay the rates or charges fixed for either water service or the use of the sewage disposal system or both when due, and, *except as provided in subsection (b)*, if there is sewage disposal system use without water service the charge may be certified as a lien against the property served and assessed as a tax by the county clerk or county assessor.

(b) *The lien established by subsection (a) shall not apply whenever the water service or the use of the sewage disposal system has been contracted for by a tenant and not by the landlord or the owner of the property affected.*

Sec. 3. K.S.A. 14-569 is hereby amended to read as follows: 14-569. (a) *Except as provided in subsection (b)*, in the event any person, firm or corporation using said sewage disposal system neglects, fails or refuses to pay the charges fixed by said governing body, such person, firm or corporation shall not be disconnected from said sewage disposal system or refused the use thereof, but said charges due therefor shall be by the city clerk certified to the county clerk of the county in which said city is located, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible, and shall become a lien upon the real property so served.

(b) *The lien established by subsection (a) shall not apply whenever the use of the sewage disposal system has been contracted for by a tenant and not by a landlord or owner of the property affected.*

Sec. 4. K.S.A. 19-2765b is hereby amended to read as follows: 19-2765b. (a) *Except as provided in subsection (b)*, in the event any person, firm or corporation using said sewage disposal system neglects, fails or refuses to pay the charges so fixed by the board of directors of said district, such person, firm or corporation shall not be disconnected from said

sewage disposal system or refused the use thereof, but said charges due therefor shall be certified by the board of directors of said district to the county clerk of the county in which said improvement district is located to be placed on the tax roll for collection subject to the same penalties and collected in like manner as other taxes are by law collectible, and shall become a lien upon the real property so served.

(b) The lien established by subsection (a) shall not apply whenever the use of the sewage disposal system has been contracted for by a tenant and not by the landlord or owner of the property affected.

Sec. 5. K.S.A. 19-27,170 is hereby amended to read as follows: 19-27,170. (a) As used in this section and in K.S.A. 19-27,171 and 19-27,172, *and amendments thereto*, county means Finney county.

(b) As a complete alternative to all other methods provided by law, the board of county commissioners of a county which has created or has received a petition seeking to create main sewer districts, lateral sewer districts, or joint sewer districts pursuant to the provisions of article 27 of chapter 19 of the Kansas Statutes Annotated, may by resolution determine that all or a portion of the cost of acquiring, constructing, reconstructing, enlarging or extending the storm or sewage systems and related disposal works, pumping stations, pumps or other apparatus for handling and disposing of sewage be borne by the county-at-large and paid out of the general revenue fund or by the issuance of general obligation improvement bonds of the county as the board of county commissioners may determine, in the manner provided by law. The proportionate share of the costs of such sewer improvements not borne by the county-at-large shall be assessed against the property within the sewer district in accordance with the provisions of article 27 of chapter 19 of the Kansas Statutes Annotated. Where the county shall issue bonds to pay the costs of sewer improvements in accordance with this act, and all or a portion of such costs shall be borne by the county-at-large, such bonds shall be general obligations of the county, shall be issued in accordance with the general bond law, and shall be in addition to and may exceed the limits of bonded indebtedness of such county.

(c) The board of county commissioners shall have the power to establish a schedule of charges for the use of such sewer improvements financed in accordance with this act. Such charges may be based on the use required and shall include consideration of, but not limited to the quantity, quality and rate of sewage or waste water contributed to the system. *Except as provided in subsection (d)*, any such service charge shall become a lien on the property against which the service charge is made from the date such charge becomes due. Funds generated by such service charges shall be used for the purpose of paying all or any portions of the costs of constructing or reconstructing the sewer improvements, for the costs of operation and maintenance thereof, or for the payment of principal and interest on general obligation bonds issued in accordance with this act.

(d) The lien established by subsection (c) shall not apply whenever the use of the sewage disposal system has been contracted for by a tenant and not by the landlord or owner of the property affected.

Sec. 6. K.S.A. 12-631k, 12-860, 14-569, 19-2765b and 19-27,170 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 16, 2004.
