

CHAPTER 90
HOUSE BILL No. 2279

AN ACT concerning municipalities; relating to utility services provided thereby; amending K.S.A. 2004 Supp. 12-631k, 12-860, 14-569 and 19-2765b and repealing the existing sections.

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

Section 1. K.S.A. 2004 Supp. 12-631k is hereby amended to read as follows: 12-631k. (a) Except as provided in subsection (b), ~~in the event if any person, firm, corporation, political unit (except the United States and the state of Kansas) or organization living organization, political or taxing subdivision of the state or other entity other than the state of Kansas and the federal government residing, occupying, using or operating on premises connected to a sanitary sewer, neglects, fails or refuses to pay the service charges fixed by the governing body of 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~~ *The amount of such service charges shall be certified by the clerk of the city or of the township sewer district to the county clerk of the county in which 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. 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. 2004 Supp. 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~~. *The amount of such rates and charges 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. No revenue shall be used for the payment of bonds payable primarily by assessments against property in sewer districts. Such revenue may be used to pay revenue bonds or general obligation bonds payable by the city at large issued for either for 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. 2004 Supp. 14-569 is hereby amended to read as follows: 14-569. (a) Except as provided in subsection (b), ~~in the event if any person, firm or corporation or other entity using said the sewage disposal system neglects, fails or refuses to pay the charges fixed by said the governing body, such person, firm or corporation or entity shall not be disconnected from said the sewage disposal system or refused the use thereof, but said the charges due therefor shall be certified by the city clerk certified to the county clerk of the county in which said the 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. 2004 Supp. 19-2765b is hereby amended to read as follows: 19-2765b. (a) Except as provided in subsection (b), ~~in the event~~

if any person, firm ~~or~~, corporation ~~or~~ other entity using ~~said~~ the sewage disposal system neglects, fails or refuses to pay the charges so fixed by the board of directors of ~~said~~ the district, such person, firm ~~or~~, corporation ~~or~~ entity shall not be disconnected from ~~said~~ the sewage disposal system or refused the use thereof, but ~~said~~ the charges due therefor shall be certified by the board of directors of ~~said~~ the district to the county clerk of the county in which ~~said~~ the 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.

New Sec. 5. Whenever it is provided or authorized by law that a lien may attach to real property for unpaid service charges or fees for the collection and disposal of refuse, trash, garbage or other solid waste, such lien shall not attach when such service has been contracted for by a tenant and not by the landlord or owner of the property to which such service is provided.

New Sec. 6. No political or taxing subdivision providing sewage disposal services or solid waste collection and disposal services shall refuse to contract with a tenant for provision of such services to property occupied by such tenant.

Sec. 7. K.S.A. 2004 Supp. 12-631k, 12-860, 14-569 and 19-2765b are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 7, 2005.
