

SENATE BILL No. 555

By Committee on Assessment and Taxation

3-9

1 AN ACT concerning property taxation; relating to assessment and
2 collection; allowing for the proration of value when certain personal
3 property is acquired or sold prior to September 1 of any tax year;
4 discontinuing collection of unpaid municipal utility fees using the
5 property tax roll; amending K.S.A. 65-3410 and K.S.A. 2021 Supp. 12-
6 808c and repealing the existing sections.
7

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

9 New Section 1. (a) The value for property tax purposes of any
10 tangible personal property classified for property tax purposes within
11 subclass (6) of class 2 of section 1 of article 11 of the constitution of the
12 state of Kansas that is acquired or sold after January 1 and prior to
13 September 1 of any taxable year shall be equal to the value determined
14 therefor pursuant to K.S.A. 79-1456, and amendments thereto, multiplied
15 by: (1) In the case of a sale, a fraction, the numerator of which is the
16 number of months, or major portion thereof, such property was owned by
17 the record owner thereof during the taxable year in which such property
18 was sold and the denominator of which is 12; and (2) in the case of an
19 acquisition, a fraction, the numerator of which is the number of months, or
20 major portion thereof, remaining in the taxable year after the date of
21 acquisition by the record owner thereof and the denominator of which is
22 12.

23 (b) Notice of the acquisition or sale of any such property shall be
24 provided by the record owner thereof to the appropriate county appraiser
25 on or before December 20 of the year of such acquisition or sale. Upon
26 receipt of such notice, and after computation of the value of any such
27 property in accordance with the provision of subsection (a), a notification
28 or revised notification of value shall be mailed to the taxpayer.

29 (c) Except as provided in subsection (a), tangible personal property
30 classified for property tax purposes within subclass (6) of class 2 of
31 section 1 of article 11 of the constitution of the state of Kansas acquired on
32 or after September 1 of a taxable year shall not be subject to assessment
33 and taxation for such year.

34 (d) The provisions of this section shall apply to all taxable years
35 commencing after December 31, 2022.

36 Sec. 2. K.S.A. 2021 Supp. 12-808c is hereby amended to read as

1 follows: 12-808c. (a) ~~Except as provided in subsection (b),~~ If any person,
 2 firm, corporation, organization, political or taxing subdivision of the state
 3 or other entity other than the state of Kansas and the federal government
 4 residing, occupying, using or operating on property to which is provided
 5 utility services by a utility owned or operated by a municipality, neglects,
 6 fails or refuses to pay the fees or charges for such service, ~~the unpaid fees~~
 7 ~~or charges shall constitute a lien upon the property to which such utility~~
 8 ~~service is provided. The amount of the unpaid fees or charges shall be~~
 9 ~~certified by the governing body of the municipality to the county clerk of~~
 10 ~~the county in which such property is located, to be placed on the tax roll~~
 11 ~~for collection, subject to the same penalties and collected in the same~~
 12 ~~manner as other taxes are collected by law. the governing body may refuse~~
 13 ~~the delivery of such utility service as otherwise permitted by law until such~~
 14 ~~time as such charges are fully paid.~~

15 ~~(b) A lien shall not attach to property for unpaid utility fees or~~
 16 ~~charges, when the utility service has been contracted for by a tenant and~~
 17 ~~not by the landlord or owner of the property to which such service is~~
 18 ~~provided.~~

19 ~~(e)~~ Except as provided by this subsection, no municipality ~~which that~~
 20 provides utility services shall refuse to contract with a tenant for provision
 21 of such services to property occupied by such tenant. A municipality shall
 22 not be required to contract with any person if such person has outstanding
 23 or unpaid charges for utility services provided by such municipality.

24 ~~(d)~~(c) A municipality may require a single deposit to be paid by a
 25 customer for all utility services, except that such deposit shall not exceed
 26 an amount equal to the expected average bills for a three month period for
 27 such utility services.

28 ~~(e)~~(d) When used in this section:

29 (1) "Municipality" means any city, county, township, water district,
 30 improvement district or other political or taxing subdivision of the state or
 31 any agency or instrumentality of a municipality ~~which that~~ provides utility
 32 services but does not include any rural water district organized pursuant to
 33 K.S.A. 82a-612 et seq., and amendments thereto.

34 (2) "Utility services" means refuse, trash, garbage or other solid waste
 35 collection and disposal, sewer, water, gas and electric power services.

36 Sec. 3. K.S.A. 65-3410 is hereby amended to read as follows: 65-
 37 3410. (a) Each city or county or combination of such cities and counties
 38 may provide for the storage, collection, transportation, processing and
 39 disposal of solid wastes and recyclables generated within its boundaries;
 40 and shall have the power to implement any approved solid waste
 41 management plan and to purchase all necessary equipment, acquire all
 42 necessary land, build any necessary buildings, incinerators, transfer
 43 stations, or other structures, lease or otherwise acquire the right to use land

1 or equipment and to do all other things necessary for a proper effective
2 solid waste management system and recycling program including the
3 levying of fees and charges upon persons receiving service. On or before
4 the first day of July of each calendar year, the board of county
5 commissioners of any county, may, by resolution establish a schedule of
6 fees to be imposed on real property within any county solid waste and
7 recyclables service area, revenue from such fees to be used: To implement
8 an approved solid waste management plan, to conduct operations
9 necessary to administer the plan and to carry out its purposes and
10 provisions; or for the acquisition, operation and maintenance of county
11 waste disposal sites; or for financing waste collection, storage, processing,
12 reclamation, disposal services and recycling programs, where such
13 services are provided. In establishing the schedule of fees, the board of
14 county commissioners shall classify the real property within the county
15 solid waste and recyclables service area based upon the various uses to
16 which the real property is put, the volume of waste occurring from the
17 different land uses and any other factors that the board determines would
18 reasonably relate the waste disposal and recyclable fee to the real property
19 upon which it would be imposed.

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

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

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

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

41 ~~(3) At the hearing the board shall hear any objections or protests of~~
42 ~~property owners liable to be assessed for delinquent fees. The board may~~
43 ~~make such revisions or corrections to the report as it deems just, after~~

1 which, by resolution, the report shall be confirmed.

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

16 ~~Any city collecting solid waste fees or charges may collect delinquent~~
17 ~~fees or charges for garbage and trash storage, collection and disposal in the~~
18 ~~manner provided for counties. *Cities and counties shall not impose solid*~~
19 ~~*waste or recycling fees or charges on vacant lots or other vacant*~~
20 ~~*properties that do not have solid waste or recyclables.*~~

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

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

36 Sec. 4. K.S.A. 65-3410 and K.S.A. 2021 Supp. 12-808c are hereby
37 repealed.

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