

## SENATE BILL No. 183

By Committee on Natural Resources

2-3

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9 AN ACT concerning solid waste; relating to management plans; amend-  
10 ing K.S.A. 2008 Supp. 65-3410 and repealing the existing section.  
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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2008 Supp. 65-3410 is hereby amended to read as  
14 follows: 65-3410. (a) Each city or county or combination of such cities  
15 and counties may provide for the storage, collection, transportation, proc-  
16 essing and disposal of solid wastes and recyclables generated within its  
17 boundaries; and shall have the power to *implement any approved solid*  
18 *waste management plan and* to purchase all necessary equipment, acquire  
19 all necessary land, build any necessary buildings, incinerators, transfer  
20 stations, or other structures, lease or otherwise acquire the right to use  
21 land or equipment and to do all other things necessary for a proper ef-  
22 fective solid waste management system and recycling program including  
23 the levying of fees and charges upon persons receiving service. On or  
24 before the first day of July of each calendar year, the board of county  
25 commissioners of any county, may, by resolution establish a schedule of  
26 fees to be imposed on real property within any county solid waste and  
27 recyclables service area, revenue from such fees to be used: *To implement*  
28 *an approved solid waste management plan, to conduct operations neces-*  
29 *sary to administer the plan and to carry out its purposes and provisions;*  
30 *or for the acquisition, operation and maintenance of county waste disposal*  
31 *sites ~~and/or~~; or for financing waste collection, storage, processing, reclama-*  
32 *tion, disposal services and recycling programs, where such services are*  
33 *provided. In establishing the schedule of fees, the board of county com-*  
34 *missioners shall classify the real property within the county solid waste*  
35 *and recyclables service area based upon the various uses to which the real*  
36 *property is put, the volume of waste occurring from the different land*  
37 *uses and any other factors that the board determines would reasonably*  
38 *relate the waste disposal and recyclable fee to the real property upon*  
39 *which it would be imposed.*

40 The board shall set a reasonable fee for each category established and  
41 divide the real property within the county service areas according to cat-  
42 egories and ownership. The board shall impose the appropriate fee upon  
43 each division of land and provide for the billing and collection of such

1 fees. The fees may be established, billed, and collected on a monthly,  
2 quarterly or yearly basis. Fees collected on a yearly basis may be billed  
3 on the ad valorem tax statement. Prior to the collection of any fees levied  
4 on real property by the board under this section, the board shall notify  
5 affected property owners by causing a copy of the schedule of fees to be  
6 mailed to each property owner to whom tax statements are mailed in  
7 accordance with K.S.A. 79-2001, ~~or any~~ and amendments thereto.

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

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

15 (2) The board shall cause notice of the hearing to be mailed to the  
16 property owners listed on the report not less than 10 days prior to the  
17 date of the hearing.

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

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

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

39 (b) In carrying out its responsibilities, any such city or county may  
40 adopt ordinances, resolutions, regulations and standards *to implement an*  
41 *approved solid waste management plan, to conduct operations necessary*  
42 *to administer the plan and to carry out its purposes and provisions; and*  
43 for the storage, collection, transportation, processing and disposal of solid

1 wastes *and recyclables* which shall be in conformity with the rules, reg-  
2 ulations, standards and procedures adopted by the secretary for the stor-  
3 age, collection, transportation, processing and disposal of solid wastes *and*  
4 *recyclables*.

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

11 Sec. 2. K.S.A. 2008 Supp. 65-3410 is hereby repealed.

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