



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

June 17, 1976

ATTORNEY GENERAL OPINION NO. 76-180

Mr. D. J. Saia
Board of County Commissioners
Crawford County Courthouse
Girard, Kansas 66743

Re: Counties--Solid Waste--Charges

Synopsis: Charges assessed by the board of county commissioners under K.S.A. 1975 Supp. 65-3410 may be assessed against any property within any solid waste service area fixed by the board, including that property owned by any city, other political subdivision or state agency.

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Dear Mr. Saia:

You inquire whether fees fixed and determined by the board of county commissioners for the collection and disposal of solid waste pursuant to K.S.A. 1975 Supp. 65-3410 may lawfully be assessed and charged to state agencies and local political subdivisions respecting property held by such state agencies and political subdivisions within solid waste service areas to which such fees apply.

The act, commencing at K.S.A. 1975 Supp. 65-3401 *et seq.*, is replete with references to any person, city, county, other political subdivision, or state agency, in defining the duties of such parties to comply with the act. Each is subject to the permit requirements of K.S.A. 1975 Supp. 65-3407, and each is subject to the express prohibitions of K.S.A. 1975 Supp. 65-3409. Indeed, compliance by all state agencies is specifically mandated by K.S.A. 1975 Supp. 65-3408, with not only the permit requirements of K.S.A. 1975 Supp. 65-3407, but "all other provisions of this act. . . ." Thus, the sovereignty of the state is to that extent waived to require compliance by all state agencies.

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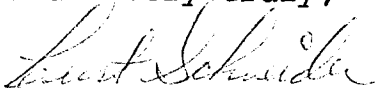
There is no exemption provided in K.S.A. 1975 Supp. 65-3410 for cities, counties, other political subdivisions, or any state agency. Indeed, subsection (c) thereof states thus:

"Cities or counties may contract with any person, city, county, other political subdivision or state agency in this or other states to carry out their responsibilities for the collection, transportation, processing and disposal of solid wastes."

The responsibilities thus referred to are those which each must bear to comply with the valid and lawful rules and regulations adopted by the county in the implementation of the county plan, or the plan of any city which has adopted its own plan.

To recapitulate, it is my opinion, that charges assessed by the board of county commissioners under K.S.A. 1975 Supp. 65-3410 may be assessed against any property within any solid waste service area fixed by the board, including that property owned by any city, other political subdivision or state agency.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj