

3
4 **Substitute for HOUSE BILL No. 3002**

5
6 By Committee on Environment

7
8 3-26

9
10 AN ACT concerning municipalities; relating to provision of certain solid
11 waste services.

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

14 Section 1. (a) As used in this section:

15 (1) "Displace" means provide exclusive solid waste services in an area
16 where a private solid waste services provider is actually providing solid
17 waste services. "Displace" shall not include:

18 (A) Competition between a municipality and private solid waste serv-
19 ices providers for individual customers;

20 (B) situations where a municipality already provides exclusive solid
21 waste services and, at the end of a contract with a private solid waste
22 services provider, the municipality does not renew the contract and either
23 awards the contract to another private solid waste services provider or
24 decides to provide the services itself;

25 (C) situations where action is taken against a private solid waste serv-
26 ices provider because the provider has acted in a manner which threatens
27 the public health, safety and welfare within the municipality and which
28 results in a serious and continuing public nuisance;

29 (D) situations where action is taken against a private solid waste serv-
30 ices provider because the provider has materially breached a contract with
31 the municipality or its residents; or

32 (E) entering into a contract with a private solid waste services pro-
33 vider so long as the contract does not displace another private solid waste
34 services provider.

35 (2) "Exclusive solid waste services" means provision of solid waste
36 services by a municipality in a specified area, either directly or through a
37 contract or contracts with a private or public solid waste services provider
38 or providers, when all other private solid waste services providers are
39 prohibited by the municipality from doing business within the specified
40 area pursuant to K.S.A. 12-2101 *et seq.* or 12-5501 *et seq.*, and amend-
41 ments thereto, or other similar statutes.

42 (3) "Municipality" means any city, ~~county or other municipal or quas-~~
43 ~~municipal entity~~ **[of the second class]** organized under the laws of the

1 state of Kansas **[located in Sedgwick county].**

2 (4) “Solid waste” has the meaning provided in K.S.A. 65-3402, and
3 amendments thereto.

4 (5) “Solid waste services” means the collection of solid waste or re-
5 cyclables, or both, from business customers or residential customers, or
6 both.

7 (b) Prior to July 1, 2003, no municipality shall displace or enact an
8 ordinance or resolution to displace a private solid waste services provider
9 providing solid waste services within the municipality on April 1, 2002.

10 (c) Subsequent to the effective date of this act, representatives of
11 municipalities and private solid waste services providers shall confer to
12 develop recommendations for resolving their differences regarding dis-
13 placement of private solid waste services providers by municipalities. On
14 or before January 13, 2003, such representatives shall submit a report of
15 their discussions, and any recommendations developed as a result of such
16 discussions, to the house standing committee on environment, the house
17 standing committee on local government, the senate standing committee
18 on natural resources and the senate standing committee on elections and
19 local government, or to the successors to such committees.

20 **[(d) The provisions of this section shall not apply to any city**
21 **located in a county having a population of less than 45,000.]**

22 Sec. 2. This act shall take effect and be in force from and after its
23 publication in the Kansas register.

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