

SESSION OF 2002

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2704

As Amended by Senate Committee on
Natural Resources

Brief*

HB 2704 would make various amendments to the portion of law dealing with solid waste management planning. The major modifications to current law would include:

1. Allowing counties which cooperate in a regional plan to establish their own county committee in addition to cooperating in the required regional committee;
2. Requiring that there be at least five members on a county or regional solid waste planning committee;
3. Prohibiting a county commissioner from being appointed to a regional planning committee unless there is one or more non-commissioners on the committee which represent the county from where the commissioner resides;
4. Requiring that regional planning committees have at least one member from each participating county (persons appointed to an individual county planning committee also may serve on a regional planning committee);
5. Requiring, in addition to current requirements in law, that solid waste management committees provide to the county commissioners of the individual county or group of counties served, a report containing the results of the annual plan review, including recommendations for revisions;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.accesskansas.org/legislature/>

6. Requiring county commissions to: (a) review the management plan, the annual review report and any proposed revisions; (b) adopt the plan or proposed revisions; (c) at least every five years hold a public hearing on the plan, including a review of projected solid waste management practices and needs for a ten-year planning period; (d) notify the Kansas Department of Health and Environment (KDHE) that the committee has completed each annual review and each five-year public hearing and that the commission has adopted the plan or review; (e) submit with the annual notification a list of committee members; and (f) review permit applications for solid waste processing facilities and solid waste disposal areas submitted to the Department;
7. Permitting county commissions to independently complete the annual review required if a quorum of the planning committee is not present;
8. Permitting county commissions to revise their plans at any time by convening a meeting of the planning committee to review the need for changes to the plan (the meeting must include an opportunity for public input);
9. Requiring regional planning committees to meet annually to review the plan and make recommendations to each county commission which must adopt the recommendations or submit comments (the committee must report the action of the regional committee to KDHE);
10. Requiring that revisions for regional planning or county planning be carried out in accordance with provisions set forth in any interlocal agreement.

Finally, the bill would clarify the law with respect to the submission of plans in a county which has previously participated in a regional plan and chooses to withdraw from the regional planning group.

Background

This bill was introduced at the request of a spokesperson from the KDHE. At the hearing on the bill, a spokesperson from KDHE stated

that the bill was needed because the statutes do not adequately address procedures to update or revise plans and they do not clearly define the role of county commissioners in relationship to planning committees. The spokesperson stated that the lack of clarity results in numerous questions from county governments, regional authorities, planning committee members, and solid waste permit applicants. The bill is intended to clarify the planning process. A spokesperson representing the Kansas Association of Counties appeared in support of the bill. A spokesperson from Waste Management expressed concern with the bill and said that their concern regarding the changes proposed revolves primarily around any changes to the current system and insuring that the process in use today for planning does not have further roadblocks to siting disposal facilities.

The House Committee on Environment made a clarifying amendment to the bill to ensure that any modifications made to a plan by county commissions are subsequently adopted by them.

The Senate Committee on Natural Resources amended the bill to require that there be an opportunity for public input when a county commission chooses to revise its plan at a time which does not coincide with a scheduled annual review by a county solid waste management committee.

The fiscal note on the original bill states that the Department of Health and Environment and the Kansas Association of Counties both have indicated that passage of the bill would have no fiscal effect.