

**HOUSE BILL No. 2195**

By Committee on Local Government

2-7

1 AN ACT concerning municipalities; establishing the organized collection  
2 service act.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. Sections 1 through 3, and amendments thereto, shall be  
6 known and may be cited as the organized collection service act.

7 Sec. 2. As used in this act:

8 (a) "Municipality" means any county, city, township and other  
9 political subdivision or taxing subdivision including any board, bureau,  
10 commission, committee or other agency having authority to create,  
11 regulate or otherwise impact the delivery of collection services.

12 (b) "Organized collection service" means a system for collecting solid  
13 waste, recyclables or both, including franchise, organized collection, or a  
14 process in which a city goes from multiple haulers to one single  
15 contracted hauler in which a specified collector, or a member of an  
16 organization of collectors, is authorized to collect from a defined  
17 geographic service area or areas some or all of the solid waste or  
18 recyclables that is released by generators.

19 (c) "Recyclables" has the meaning as the term is defined by KSA  
20 65-3402, and amendments thereto.

21 (d) "Solid waste" has the meaning as the term is defined by K.S.A.  
22 65-3402, and amendments thereto.

23 Sec. 3. (a) A municipality may establish an organized collection  
24 service as a municipal service by ordinance, in the case of a city, or by  
25 resolution, in the case of other municipalities. The ordinance or resolution  
26 shall incorporate any franchise, license, or negotiated contract or contract  
27 let by bid using one or more collectors or an organization of collectors.

28 (b) At least 180 days before adopting such an ordinance or resolution,  
29 the governing body of the municipality shall announce its intent to  
30 consider adoption of an organized collection service, stating specific  
31 goals to be achieved, detailed justification for any franchise fees and all  
32 other reasons for considering such a service by passage of a resolution of  
33 intent. The resolution of intent shall be published once in the newspaper  
34 of greatest circulation in the municipality. The resolution of intent shall  
35 give notice of a public hearing to be held at least 30 days prior to  
36 consideration of the adoption of the resolution of intent on the issue and

1 shall invite the participation of interested persons in the planning and  
2 establishing of the organized collection service, including all licensees or  
3 other persons operating solid waste or recyclables collection services in  
4 the municipality as of the date of announcement of its intent to organize  
5 collection in the municipality.

6 (c) During a 90-day period following the adoption of the resolution of  
7 intent, the municipality shall develop a plan for organized collection  
8 service. During this period, the municipality shall invite and employ the  
9 assistance of all licensees or other persons operating solid waste or  
10 recyclables collection services in the municipality. All licensees or other  
11 persons operating solid waste or recyclables collection services in the  
12 municipality shall be allowed to participate in all planning meetings.

13 (d) The municipality shall provide 30 days notice prior to the hearing  
14 on the proposed plan to all licensees or other persons operating solid  
15 waste collection or recyclables services in the municipality.

16 (e) The plan shall:

17 (1) Describe in detail the procedures used for development of the plan  
18 for organized collection service and compliance with all required notice  
19 provisions;

20 (2) evaluate the proposed organized collection plan in regard to the  
21 following:

22 (A) Achieving the stated goals;

23 (B) minimizing displacement and economic impact to current solid  
24 waste collectors;

25 (C) ensuring participation in the decision-making process of all  
26 interested parties, including all licensees or other persons operating solid  
27 waste or recyclables collection services in the municipality as of the date  
28 of the resolution of intent to organize collection in the municipality; and

29 (D) maximizing efficiency in solid waste collection; and

30 (3) provide detailed justification for any tax, franchise or similar fee,  
31 which in any event shall not exceed the municipality's expense of  
32 administering the proposed organized collection program.

33 (f) (1) A municipality may not commence organized collection service  
34 pursuant to this act for a period of at least two years from the adoption of  
35 an ordinance or resolution establishing such service. During the two-year  
36 period the municipality shall not displace any person licensed to operate  
37 solid waste collection services in the municipality.

38 (2) If for any reason a municipality does not implement an organized  
39 collection service by passage of an ordinance or resolution within one  
40 year of the passage of a resolution of intent, the process shall be started  
41 over as provided in this section.

42 Sec. 4. This act shall be applied to all municipalities regardless of  
43 the stage of implementation of an organized collection system.

1       Sec. 5. This act shall take effect and be in force from and after its  
2       publication in the Kansas register.