

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR
SENATE BILL NO. 114**

As Amended by House Committee of the Whole

Brief*

House Sub. SB 114 would amend Kansas law relating to solid waste management at the city or county level, including the adoption of solid waste management plans under KSA 65-3401 *et seq.* The bill would forbid a city or county from placing restrictions on any solid waste disposal area within the city or county if these restrictions supersede or impair the local legislation of another city or county that is served by the same solid waste disposal area, unless at least one of the following exceptions exists: the city or county owns the solid waste disposal area; the city or county receives consent by each governing body of a city or county outside its corporate boundaries which may be affected by these restrictions; or the restrictions apply to residents of such city or county, but not to residents of another city or county being serviced by the same solid waste disposal area.

The bill also would require the Secretary of Health and Environment to prepare a report to present to the Kansas Legislature regarding solid waste management in the state at the beginning of the 2013 Legislative Session.

Background

SB 114 was originally a bill that would have made amendments to the Uniform Common Interest Owners Bill of Rights Act. The original contents of the bill were removed and replaced with an amended version of HB 2662.

*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.kslegislature.org>

At the hearing on the original HB 2662 in the House Committee, Representative Amanda Grosserode appeared in support of the bill. Several private citizens also appeared in support of the bill. Other private citizens appeared in opposition to the bill. The Kansas Department of Health and Environment submitted neutral testimony.

In 2010, Johnson County submitted an update to its solid waste management plan, consistent with KDHE requirements. As a part of this plan, in an effort to extend the life of the landfill within Johnson County, the Johnson County solid waste management plan was drafted to forbid the disposal of yard waste in the landfill. The plan also required billing for recycling, which resulted in an additional charge on the trash bill of each consumer. The Johnson County landfill serves several communities outside Johnson County, as well as the county residents.

Based on the divided testimony at the hearing on HB 2662, the House Committee on Local Government formed a subcommittee to study the issues related to the bill. The subcommittee was comprised of Representatives Grosserode, Mah, Otto, and Sloan.

The Subcommittee recommended a substitute bill for HB 2662. That bill would have prohibited a city or county from placing restrictions for a solid waste disposal area unless the city or county owned the solid waste disposal area, the city or county received consent from each governing body outside its corporate boundaries affected by the restrictions, or the restrictions applied only to residents of the city or county which issued the restrictions. The bill also would have required KDHE to submit a report to the 2013 Kansas Legislature regarding solid waste management.

The House Committee on Local Government adopted the Subcommittee recommendation. The bill was subsequently amended by the Committee to forbid a city or county from placing restrictions on any solid waste disposal area within the city or county unless the city or county owns the

solid waste disposal area, the restrictions apply to residents of the city or county, or the restrictions apply to residents outside that city or county, but such residents have demonstrated consent by incorporating those restrictions into their solid waste management plan. The House Committee on Local Government then removed the contents of SB 114 and inserted the provisions of HB 2662, as amended, into SB 114.

The House Committee of the Whole amended the bill by adopting the language as originally recommended by the Local Government subcommittee, which would prohibit a city or county from placing restrictions for a solid waste disposal area unless the city or county owned the solid waste disposal area, the city or county received consent from each governing body outside its corporate boundaries affected by the restrictions, or the restrictions applied only to residents of the city or county which issued the restrictions.

According to the fiscal note on the original version of HB 2662 as provided by the Division of the Budget, the original bill would have the potential to save some units of government unknown amounts of money by not having to develop separate sites to deposit yard waste or other items potentially forbidden at regional solid waste disposal sites. Conversely, counties that house solid waste disposal sites could experience a negative fiscal effect by having to develop new solid waste disposal areas when the current areas become full. Any fiscal effect of the original bill was not accounted for in the Governor's budget.