

Substitute for HOUSE BILL No. 2541

By Committee on Local Government

2-26

1 AN ACT concerning plastic bottles and containers and solid waste;
2 amending K.S.A. 65-3425 and K.S.A. 2013 Supp. 65-3410a and
3 repealing the existing sections.

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

6 Section 1. K.S.A. 65-3425 is hereby amended to read as follows: 65-
7 3425. (a) As used in this section:

8 (1) "Code" means a molded, imprinted or raised symbol.

9 (2) "Person" means any individual, association, partnership, limited
10 partnership, corporation or other entity.

11 (3) "Plastic" means any material made of polymeric organic
12 compounds and additives that can be shaped by flow.

13 (4) "Plastic bottle" means a plastic container which: (A) Has a neck
14 that is smaller than the body of the container; (B) accepts a screw-type,
15 snap-cap or other closure; and (C) has a capacity of 16 fluid ounces or
16 more but less than five gallons.

17 (5) "Rigid plastic container" means any formed or molded container
18 other than a bottle, intended for single use, composed predominantly of
19 plastic resin and having a relatively inflexible finite shape or form with a
20 capacity of eight ounces or more but less than five gallons.

21 (b) ~~On or after July 1, 1994, No person shall distribute, sell or offer~~
22 ~~for sale in this state any plastic bottle or rigid plastic container, unless it is~~
23 ~~labeled with a *nationally recognized* code indicating the plastic resin used~~
24 ~~to produce the bottle or container. The *nationally recognized* code shall~~
25 ~~appear on or near the bottom of the bottle or container. The code used for~~
26 ~~plastic bottles or rigid plastic containers with labels and basecaps of a~~
27 ~~different material shall be determined by the basic material of the bottle or~~
28 ~~container. The code shall consist of a number placed within a triangle of~~
29 ~~arrows and letters placed below the triangle of arrows. The triangle shall~~
30 ~~be equilateral, formed by three arrows with the apex of each point of the~~
31 ~~triangle at the midpoint of each arrow, rounded with a short radius. The~~
32 ~~arrowhead of each arrow shall be at the midpoint of each side of the arrow.~~
33 ~~The triangle, formed by the three arrows curved at their midpoints, shall~~
34 ~~depict a clockwise path around the code number. The numbers and letters~~
35 ~~used shall be as follows: 1 = PETE (polyethylene terephthalate), 2 =~~
36 ~~HDPE (high density polyethylene), 3 = V (vinyl), 4 = LDPE (low density~~

1 polyethylene), 5 = PP (polypropylene), 6 = PS (polystyrene), 7 =
2 OTHER.

3 (c) If the attorney general or county or district attorney has reason to
4 believe that a person is violating the provisions of this section, the attorney
5 general or county or district attorney shall give the person written notice
6 thereof. If, after such notice is given, the attorney general or county or
7 district attorney has reason to believe that the person is continuing to
8 violate the provisions of this section, the attorney general or county or
9 district attorney may bring an action to enjoin the violation and to recover
10 a civil penalty of \$50 for each violation but not exceeding a total of \$500.
11 Any such penalty recovered by the attorney general shall be deposited in
12 the state treasury and credited to the state general fund. Any such penalty
13 recovered by the county or district attorney shall be deposited in the
14 general fund of the county in which the violation occurred.

15 Sec. 2. K.S.A. 2013 Supp. 65-3410a is hereby amended to read as
16 follows: 65-3410a. (a) Except as provided by subsection (b), no city or
17 county shall adopt by ordinance, resolution or in a solid waste
18 management plan under K.S.A. 65-3405 or 65-3410, and amendments
19 thereto, restrictions for any solid waste disposal area within its boundaries
20 if such restrictions supersede or impair the local legislation of another city
21 or county being serviced by the same solid waste disposal area or require
22 another city or county to adopt new solid waste management requirements
23 not currently required by statewide rules and regulations.

24 (b) A city or county may adopt restrictions for a solid waste disposal
25 area under subsection (a) if:

26 (1) The city or county owns the solid waste disposal area; ~~or~~ and

27 (2) such restrictions apply to the residents of such city or county but
28 not to residents of another city or county being serviced by the same solid
29 waste disposal area.

30 (c) This section shall be part of and supplemental to the provisions of
31 article 34 of chapter 65 of the Kansas Statutes Annotated, and amendments
32 thereto.

33 (d) *This section shall apply to any solid waste disposal area,*
34 *including those in operation prior to July 1, 2013.*

35 Sec. 3. K.S.A. 65-3425 and K.S.A. 2013 Supp. 65-3410a are hereby
36 repealed.

37 Sec. 4. This act shall take effect and be in force from and after its
38 publication in the statute book.