

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2597

By Committee on Appropriations

2-10

1 AN ACT concerning solid waste; relating to municipal collection of
2 recyclables; amending K.S.A. 2013 Supp. 12-2036 and repealing the
3 existing section.
4

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

6 Section 1. K.S.A. 2013 Supp. 12-2036 is hereby amended to read as
7 follows: 12-2036. (a) A municipality may establish an organized collection
8 service as a municipal service by ordinance, in the case of a city, or by
9 resolution, in the case of other municipalities. The ordinance or resolution
10 shall incorporate any franchise, license, or negotiated contract or contract
11 let by bid using one or more collectors or an organization of collectors.

12 (b) At least 180 days before adopting such an ordinance or resolution,
13 the governing body of the municipality shall announce its intent to
14 consider adoption of an organized collection service, stating specific goals
15 to be achieved, detailed justification for any franchise fees and all other
16 reasons for considering such a service by passage of a resolution of intent.
17 The resolution of intent shall be published once in the official newspaper
18 of the municipality. The resolution of intent shall give notice of a public
19 hearing to be held at least 30 days prior to consideration of the adoption of
20 the resolution of intent on the issue and shall invite the participation of
21 interested persons in the planning and establishing of the organized
22 collection service, including all licensees or other persons operating solid
23 waste or recyclables collection services in the municipality as of the date
24 of announcement of its intent to organize collection in the municipality.

25 (c) During a 90-day period following the adoption of the resolution of
26 intent, the municipality shall develop a plan for organized collection
27 service. During this period, the municipality shall invite and employ the
28 assistance of all licensees or other persons operating solid waste or
29 recyclables collection services in the municipality. All licensees or other
30 persons operating solid waste or recyclables collection services in the
31 municipality shall be allowed to participate in all planning meetings.

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

35 (e) The plan shall:

36 (1) Describe in detail the procedures used for development of the plan

1 for organized collection service and compliance with all required notice
2 provisions;

3 (2) evaluate the proposed organized collection plan in regard to the
4 following:

5 (A) Achieving the stated goals;

6 (B) minimizing displacement and economic impact to current solid
7 waste collectors;

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

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

13 (3) provide detailed justification for any tax, franchise or similar fee.

14 (f) (1) A municipality may not commence organized collection
15 service pursuant to this act for a period of at least 18 months from the
16 adoption of an ordinance or resolution establishing such service. During
17 the 18-month period the municipality shall not displace any person
18 licensed to operate solid waste collection services in the municipality.

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

23 (g) *Notwithstanding the provisions of this section, a municipality*
24 *already providing solid waste collection services may add recycling*
25 *collection services, under the following circumstances: (1) The*
26 *municipality conducts a public hearing on the proposed plan to provide*
27 *recycling services; (2) the municipality provides 21 days prior notice to*
28 *the hearing by publication in the official newspaper of the municipality, as*
29 *designated according to K.S.A. 64-101, and amendments thereto, and the*
30 **Kansas register**; *and (3) no existing recycling collector formally opposes*
31 *the new recycling collection system within 21 days of the hearing. If all*
32 *three criteria are met, the municipality may immediately begin such*
33 *services. If an objection is made, the municipality shall comply with the*
34 *provisions of this section, including the 18-month waiting period, or may*
35 *start the service once the objection is removed, whichever occurs first.*

36 Sec. 2. K.S.A. 2013 Supp. 12-2036 is hereby repealed.

37 Sec. 3. This act shall take effect and be in force from and after its
38 publication in the statute book.