

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2074

As Amended by House Committee on Local
Government

Brief*

HB 2074, as amended, would create new law concerning solid waste disposal areas and restrictions. The bill would prohibit a city or county from adopting restrictions for solid waste disposal areas within its boundaries if the restrictions would supersede or impair the local legislation of another city or county served by the same solid waste disposal area, or if the restrictions required another city or county to adopt new solid waste management requirements not currently required by statewide rules and regulations.

The bill lists certain instances when such restrictions for solid waste disposal would be permitted. Restrictions on solid waste disposal areas would be allowed if the city or county owned the disposal site or if the restrictions applied only to the residents of the city or county enforcing the restrictions and not to residents of cities or counties outside the jurisdiction.

The bill also would require the Secretary of Health and Environment to prepare a report on solid waste management in Kansas for the Senate Committee on Ethics, Elections, and Local Government and for the House Committee on Local Government by January 1, 2014. The report would be required to include:

- A review of statutes, rules, regulations, and policies related to solid waste disposal in the state. This would need to include, but would not be limited to,

*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>

details on yard waste, recycling, generation rates, composting, precipitation, source reduction efforts, population, landfill capacity, and gas recovery in landfills; and

- Recommendations for legislative changes and the costs associated with the proposed changes.

The Secretary's report shall be prepared with review and input from operators of municipal solid waste landfills, haulers of solid waste, customers of haulers of solid waste, and cities and counties when preparing the report.

Background

A representative from the Bureau of Waste Management and a citizen of Overland Park testified in favor of the bill, saying that it was an appropriate limit on cities and counties that might enact restrictions affecting other customers in other cities and counties.

Three private citizens submitted written testimony in favor of the bill, supporting making the provisions of the bill apply retroactively.

A representative from the Johnson County Department of Health and Environment testified in opposition of the bill. He stated that the restrictions adopted by Johnson County in their solid waste management plan were intended to preserve the life of the county's landfill. He said that he did not think it made sense to require the counties to create waste management plans if the counties were not allowed to implement its requirements.

Representatives from the Kansas Association of Counties and the National Solid Wastes Management Association testified as neutrals. The National Solid Wastes Management Association advocated requiring a county to own a landfill before it could enact any restrictions on solid waste disposal.

The House Committee on Local Government amended the bill to prohibit enactment of new solid waste disposal area requirements that are not currently required by statewide rules and regulations. The Committee also removed a provision that would have allowed the adoption of restrictions on solid waste disposal areas if the city or county received the consent of each governing body of cities or counties outside its corporate boundaries which may be affected by the restrictions.

According to the fiscal note, the Kansas Department of Health and Environment has indicated that the bill, as introduced, would have no fiscal effect on the agency. The required study would be completed by existing staff as part of routine oversight of waste management issues.