

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2195

By Committee on Local Government

2-7

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

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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
13 solid waste, recyclables or both, including franchise, organized
14 collection, or a process in which a ~~city~~ **municipality** goes from
15 multiple haulers to one single contracted hauler in which a specified
16 collector, or a member of an organization of collectors, is authorized to
17 collect from a defined geographic service area or areas some or all of
18 the solid waste or 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
22 K.S.A. 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
26 resolution shall incorporate any franchise, license, or negotiated
27 contract or contract let by bid using one or more collectors or an
28 organization of collectors.

29 (b) At least 180 days before adopting such an ordinance or
30 resolution, the governing body of the municipality shall announce its
31 intent to consider adoption of an organized collection service, stating
32 specific goals to be achieved, detailed justification for any franchise
33 fees and all other reasons for considering such a service by passage of a

1 resolution of intent. The resolution of intent shall be published once in
2 the **official** newspaper of ~~greatest circulation in~~ the municipality. The
3 resolution of intent shall give notice of a public hearing to be held at
4 least 30 days prior to consideration of the adoption of the resolution of
5 intent on the issue and shall invite the participation of interested
6 persons in the planning and establishing of the organized collection
7 service, including all licensees or other persons operating solid waste or
8 recyclables collection services in the municipality as of the date of
9 announcement of its intent to organize collection in the municipality.

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

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

21 (e) The plan shall:

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

25 (2) evaluate the proposed organized collection plan in regard to the
26 following:

27 (A) Achieving the stated goals;

28 (B) minimizing displacement and economic impact to current solid
29 waste collectors;

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

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

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

39 (f) (1) A municipality may not commence organized collection

1 service pursuant to this act for a period of at least ~~two years~~ **18 months**
2 from the adoption of an ordinance or resolution establishing such
3 service. During the ~~two-year~~ **18-month** period the municipality shall
4 not displace any person licensed to operate solid waste collection
5 services in the municipality.

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

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

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