

HOUSE BILL No. 2551

AN ACT concerning the environment; relating to the department of health and environment; atmospheric mercury deposition monitoring network; plastic bottles and containers; solid waste; amending K.S.A. 65-3425 and K.S.A. 2013 Supp. 65-3410a and 75-5673 and repealing the existing sections; also repealing K.S.A. 65-3480, 65-3481, 65-3482, 65-3484, 65-3485, 65-3486, 65-3487 and 65-3489 and K.S.A. 2013 Supp. 65-3483, 65-3488 and 65-3490.

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

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

- (1) "Code" means a molded, imprinted or raised symbol.
- (2) "Person" means any individual, association, partnership, limited partnership, corporation or other entity.
- (3) "Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow.
- (4) "Plastic bottle" means a plastic container which: (A) Has a neck that is smaller than the body of the container; (B) accepts a screw-type, snap-cap or other closure; and (C) has a capacity of 16 fluid ounces or more but less than five gallons.
- (5) "Rigid plastic container" means any formed or molded container other than a bottle, intended for single use, composed predominantly of plastic resin and having a relatively inflexible finite shape or form with a capacity of eight ounces or more but less than five gallons.

(b) ~~On or after July 1, 1994,~~ No person shall distribute, sell or offer for sale in this state any plastic bottle or rigid plastic container, unless it is labeled with a *nationally recognized* code indicating the plastic resin used to produce the bottle or container. The *nationally recognized* code shall appear on or near the bottom of the bottle or container. ~~The code used for plastic bottles or rigid plastic containers with labels and basecaps of a different material shall be determined by the basic material of the bottle or container. The code shall consist of a number placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number. The numbers and letters used shall be as follows: 1 = PETE (polyethylene terephthalate), 2 = HDPE (high density polyethylene), 3 = V (vinyl), 4 = LDPE (low density polyethylene), 5 = PP (polypropylene), 6 = PS (polystyrene), 7 = OTHER.~~

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

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

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

- (1) The city or county owns the solid waste disposal area; ~~or and~~
- (2) such restrictions apply to the residents of such city or county but not to residents of another city or county being serviced by the same solid waste disposal area.

(c) This section shall be part of and supplemental to the provisions

of article 34 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(d) *This section shall apply to any solid waste disposal area, including those in operation prior to July 1, 2014.*

Sec. 3. K.S.A. 2013 Supp. 75-5673 is hereby amended to read as follows: 75-5673. (a) The secretary of health and environment shall establish a statewide atmospheric mercury deposition monitoring network to measure mercury deposition in Kansas. ~~The network shall consist of no fewer than six sites in Kansas. At least two such sites shall be located to measure mercury deposition entering the state from the direction of prevailing winds. Mercury deposition samples shall be collected at each site on a weekly basis and concentration, precipitation and other pertinent values shall be recorded.~~

(b) The secretary of health and environment shall contract with a laboratory that has demonstrated capability to perform appropriate analysis of the samples collected and to provide reports in a form acceptable to the secretary. After analysis, data and analysis reports, including data on long term trends, shall be provided to the public through a website. Data also will be posted to a national database designated by the secretary.

(c) The secretary of health and environment shall ensure that data collected from the network and analyses of those data are made available specifically to Kansas-based research institutes and scientists for exploration of the impact of mercury on Kansas flora, fauna and human population.

~~(d) On or before the first day of the regular legislative session in 2009 and each year thereafter, the secretary of health and environment shall prepare and submit to the governor and the chairperson, vice chairperson and ranking minority member of each standing committee of the house and of the senate having subject matter jurisdiction over utilities, environment or natural resources, a report summarizing the findings of the monitoring and analysis provided for by this section.~~

Sec. 4. K.S.A. 65-3425, 65-3480, 65-3481, 65-3482, 65-3484, 65-3485, 65-3486, 65-3487 and 65-3489 and K.S.A. 2013 Supp. 65-3410a, 65-3483, 65-3488, 65-3490 and 75-5673 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.