

SENATE BILL No. 293

By Committee on Commerce

1-22

1 AN ACT concerning certain municipalities; relating to solid waste and
2 recycling restrictions.

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

5 Section 1. (a) Except as provided in subsection (b), the governing
6 body of any municipality shall not engage in, sell or otherwise provide
7 material management services to a private person, private entity or
8 municipality outside of its incorporated limits.

9 (b) The provisions of subsection (a) shall not apply if the governing
10 body has:

11 (1) After public notice and a public hearing, made a determination
12 that materials management is not readily available from a
13 nongovernmental entity; or

14 (2) adopted a resolution declaring the existence of a disaster or
15 emergency.

16 (c) The provision of subsection (a) shall not apply to:

17 (1) A transfer station as defined by K.S.A. 65-3402, and amendments
18 thereto, that is owned or operated by a municipality;

19 (2) a household hazardous waste facility as defined by K.S.A. 65-
20 3402, and amendments thereto; or

21 (3) a municipality with a population of less than 5,000.

22 (d) As used in this act:

23 (1) "Municipality" means any county, city, township and other
24 political subdivision or taxing subdivision, including any board, bureau,
25 commission, public utility, committee or other agency having authority to
26 create, regulate or otherwise impact materials management.

27 (2) "Governing body" means the governing body of any municipality.

28 (3) "Materials management" means the process of collection,
29 transportation, processing, storage and disposal of solid wastes and
30 recyclables resulting from industrial, commercial, agricultural and
31 domestic activities.

32 (4) "Solid wastes" has the meaning as the term is defined by K.S.A.
33 65-3402, and amendments thereto.

34 (5) "Recyclables" has the meaning as the term is defined by K.S.A.
35 65-3402, and amendments thereto.

36 (6) "Nongovernmental entity" means an individual, firm, partnership,

1 joint venture, corporation, association or any other legal entity engaging in
2 materials management, which is not affiliated, through ownership or
3 control, with the state or a municipality.

4 Sec. 2. This act shall not affect municipalities maintaining existing
5 materials management or that have existing agreements with other
6 municipalities for materials management prior to the effective date of this
7 act, except that this act shall apply to any renewal, reconsideration, or
8 expansion of materials management from what is already provided by a
9 municipality.

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