

HOUSE BILL No. 2662

By Committee on Local Government

1 AN ACT concerning counties; relating to certain solid waste disposal
2 areas; pertaining to solid waste management plans; amending K.S.A.
3 65-3405 and repealing the existing section.

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

5
6 New Section 1 (a) No county or group of counties shall adopt
7 restrictions in a solid waste management plan under K.S.A. 65-3405 and
8 amendments thereto relating to recyclables or yard waste for any solid
9 waste disposal area which is not owned or operated by such county or
10 group of counties.

11 (b) This section shall be part of and supplemental to the provisions of
12 article 34 of chapter 65 of the Kansas Statutes Annotated, and amendments
13 thereto.

14 Sec. 2. K.S.A. 65-3405 is hereby amended to read as follows: 65-
15 3405. (a) Each county of this state, or a designated city, shall submit to the
16 secretary a workable plan for the management of solid waste in such
17 county. The plan developed by each county or designated city shall be
18 adopted by the governing body of such county or designated city if so
19 authorized. Two or more counties, by interlocal agreement entered into
20 pursuant to K.S.A. 12-2901 et seq., and amendments thereto, may develop
21 and adopt a regional plan in lieu of separate county plans.

22 (b) There shall be established in each county or group of counties
23 cooperating in a regional plan a solid waste management committee. A
24 county which cooperates in a regional plan may establish its own county
25 committee in addition to cooperating in the required regional committee. A
26 county which does not cooperate in a regional plan may designate by
27 interlocal agreement a city as the solid waste management planning
28 authority for the county. Subject to the requirements of this section, the
29 membership of the committee, the terms of committee members, the
30 organization of the committee and selection of its officers shall be
31 determined by the county or counties by interlocal agreement entered into
32 pursuant to K.S.A. 12-2901 et seq., and amendments thereto. The number
33 of members on the committee, whether an individual county committee or
34 a regional committee, shall be not fewer than five or a number equal to the
35 total number of counties cooperating in the regional plan, whichever is
36 more, and shall not exceed 30. The membership shall include: (1)

Proposed Amendments to HB 2662
for Committee on Local Government
RE: Representative Sloan's amendment (Sec. 1)
March 14, 2012
Prepared by: Eunice Peters
Office of Revisor of Statutes
\*Revisor's note: If adopted by committee, it is recommended that the
committee adopt such language by substitute bill

Insert the following:

"Sec. 1. (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 supercede or impair
the local legislation of another city or county being serviced by the same solid
waste disposal area.

(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;
(2) such restrictions apply to the residents of the city or county; or
(3) such restrictions apply to residents outside of the city or county and such
residents have demonstrated consent by incorporating such restrictions into
their own solid waste management plan.

(c) Any city or county that adopts restrictions for any solid waste disposal area
under subsection (a) shall be responsible for all compliance assessment and
enforcement of such restrictions."

By removing K.S.A. 65-3405 from the bill and inserting the following:

"Sec. 2. (a) On or before January 14, 2013, the secretary of health and
environment shall prepare, with review and input from operators of municipal solid
waste landfills, haulers of solid waste, business and residential consumers of
haulers of solid waste, cities and counties, a report to the senate committee on
local government and the house committee on local government on solid waste
management in Kansas. The report shall include, but not be limited to, the
following:

- (1) A review of statutes, rules and regulations and policies on solid waste
management, including, but not limited to, details on yard waste, recycling,
generation rates, composting, precipitation, source reduction efforts, population,
landfill capacity and gas recovery in landfills; and
(2) recommendations for legislative changes and estimates of the cost of the
state of implementing such changes.

(b) 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."

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1 and submitted to the department for review and approval addressing solid  
2 waste management in counties which have decided to plan individually or  
3 in any newly formed regions.  
4 ~~Sec. 3. K.S.A. 65-3405 is hereby repealed.~~  
5 Sec. 4. This act shall take effect and be in force from and after its  
6 publication in the statute book.  
7

Insert "3"