

HOUSE BILL No. 2195

By Committee on Local Government

2-7

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

3
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 political
9 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 solid
13 waste, recyclables or both, including franchise, organized collection, or a
14 process in which a ~~city~~ **municipality** goes from multiple haulers to one
15 single contracted hauler in which a specified collector, or a member of an
16 organization of collectors, is authorized to collect from a defined
17 geographic service area or areas some or all of the solid waste or
18 recyclables that is released by generators.

19 (c) "Recyclables" has the meaning as the term is defined by KSA 65-
20 3402, and amendments thereto.

21 (d) "Solid waste" has the meaning as the term is defined by K.S.A.
22 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 resolution
26 shall incorporate any franchise, license, or negotiated contract or contract
27 let by bid using one or more collectors or an organization of collectors.

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

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

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

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

18 (e) The plan shall:

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

22 (2) evaluate the proposed organized collection plan in regard to the
23 following:

24 (A) Achieving the stated goals;

25 (B) minimizing displacement and economic impact to current solid
26 waste collectors;

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

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

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

35 (f) (1) A municipality may not commence organized collection service
36 pursuant to this act for a period of at least ~~two years~~ **18 months** from the
37 adoption of an ordinance or resolution establishing such service. During
38 the ~~two-year~~ **18-month** period the municipality shall not displace any
39 person licensed to operate solid waste collection services in the
40 municipality.

41 (2) If for any reason a municipality does not implement an organized
42 collection service by passage of an ordinance or resolution within one year
43 of the passage of a resolution of intent, the process shall be started over as

1 provided in this section.

2 Sec. 4. *(a)* This act shall be applied to all municipalities regardless of
3 the stage of ~~implementation~~*development* of an organized collection
4 system.

5 *(b) The provisions of this act shall not apply to the collection of*
6 *waste tires as defined by K.S.A. 65-3424(m), and amendments thereto,*
7 *from any facility for the purpose of recycling or disposal.*

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