

## HOUSE BILL No. 2072

By Committee on Local Government

1-23

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1 AN ACT concerning certain municipalities; dealing with 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 a transfer station  
17 as defined by K.S.A. 60-3402(bb) that is owned or operated by a  
18 municipality.

19 (d) As used in this act:

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

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

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

29 (4) "Solid wastes" has the meaning as the term is defined by K.S.A.  
30 65-3402, and amendments thereto.

31 (5) "Recyclables" has the meaning as the term is defined by K.S.A.  
32 65-3402, and amendments thereto.

33 (6) "Nongovernmental entity" means an individual, firm, partnership,  
34 joint venture, corporation, association or any other legal entity engaging in  
35 materials management, which is not affiliated, through ownership or  
36 control, with the state or a municipality.

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

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