

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2695**

As Amended by Senate Committee of the Whole

**Brief\***

HB 2695 concerns solid waste and littering. The bill would make it unlawful for a person to throw, place or drop litter or allow litter to be thrown, placed or dropped from a motor vehicle onto or upon a highway, street, or road. The driver of the vehicle may be cited for these violations, unless any other person in the vehicle admits to or is identified as having committed the act. The fine for littering would be \$100 plus court costs.

The bill also would increase the fines for criminal littering offenses. Criminal littering would be an unclassified misdemeanor punishable as follows:

- ! on first conviction, by a fine of not less than \$250 nor more than \$1,000;
- ! on second conviction, by a fine of not less than \$1,000 nor more than \$2,000; and
- ! on a third or subsequent conviction, by a fine of not less than \$2,000 nor more than \$4,000.

In addition to the fines, a person convicted of littering would be required to pick up litter for a time prescribed by and a place within the jurisdiction of the court.

The bill also would amend one section of the statutes dealing with solid waste to permit cities and counties to use money raised by fees authorized by the section to be used for recycling programs. The fees permitted by this section of law are those used to fund local government services relating to solid waste management. These provisions are

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

contained in SB 416.

The bill would take effect and be in force from and after its publication in the statute book.

## **Background**

The bill, as introduced, pertained to littering. At the hearings before the House Transportation Committee, Representatives Vickrey and Feuerborn testified in support of the bill, who noted that other states have enacted similar legislation. No one testified against the bill in the House Transportation Committee.

With regard to SB 416, it was requested by a spokesperson from the Kansas Department of Health and Environment (KDHE). At the hearing on the bill, the spokesperson stated the bill was necessitated by the definition of solid waste in another section of the solid waste laws. This definition excludes recyclable materials from the definition and therefore impacts what the fees raised by cities and counties can be used for under the law. The spokesperson stated that the reason that recyclables were excluded from the definition of solid waste was to avoid the need to issue a solid waste permit to every facility which handles these kinds of materials.

Also testifying in support of the bill were a spokesperson representing Sedgwick County and representatives of the Kansas Association of Counties and the League of Kansas Municipalities. There were no opponents to the bill.

The fiscal note on SB 416 indicates that passage of the bill would have no fiscal effect on the Department of Health and Environment. It also states that in localities where there is a fee assessed for recycling programs, there will be a fiscal effect, but that the amount of the local fiscal effect is not known at this time.

The fiscal note on HB 2695 prepared by the Division of the Budget indicates that according to the Office of Judicial Administration (OJA), littering, under current law, is already a Class C misdemeanor, so that passage of the bill would not result in additional criminal charges and would not result in additional caseloads or work for court personnel. The OJA indicates that the new traffic infraction, however, would

possibly create new caseloads and work for court personnel, but is not expected to have a significant financial effect. The Division of Budget also notes that the League of Kansas Municipalities states that passage of HB 2695 would not have a fiscal effect on the cities of Kansas.