



TESTIMONY OF THE KANSAS ASSOCIATION OF COUNTIES  
TO THE HOUSE LOCAL GOVERNMENT COMMITTEE  
ON HB 2072

FEBRUARY 12, 2013

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to offer testimony in opposition to HB 2072.

HB 2072 prohibits a municipality (city or county) from providing “material management services” outside of its borders. Materials management is defined in the bill to mean the collecting, transporting, processing, storing, and disposal of solid waste and recyclables.

The obvious intent of the legislation is to prohibit government from providing services that can be offered by the private sector. While KAC understands and appreciates the concept of free markets, the area of solid waste management has historically been a part of government. It is not purely a private good; it is a good necessary to secure the public health and therefore falls within the police powers of government.

Kansas statutes recognize that solid waste is a governmental function, and state laws require counties and cities to develop plans for the management of solid waste. These statutes specifically mention that two or more counties may develop and adopt regional plans for the management of solid waste (KSA 65-3405). With limited landfills in the state of Kansas, the state is effectively reduced to a regional model for solid waste. HB 2072’s narrowing of public provision of solid waste services runs counter to the regionalization and consolidation of solid waste efforts. Each governmental unit will become its own pocket of service, losing efficiencies that come with cooperation.

The purpose of the legislation may very well be to drive government out of the business of providing solid waste management, with the end result being less favorable pricing or services to the private citizen. Reducing the supply of solid waste services within the region creates the opportunity for a monopoly and higher prices. Kansas statutory law currently says counties are to establish a schedule of fees based on uses and volume of waste and shall “set a reasonable fee.” (KSA 65-3410). HB 2072 does not require a reasonable fee from the private sector.

Two years ago KAC compromised with the private waste management industry and agreed to an exacting process requiring discussions with the private industry and long delays before municipalities could offer solid waste services. Following that compromise, we find ourselves once again being asked to give up the provision of solid waste services.

I appreciate the opportunity to submit testimony. Please feel free to contact me with any questions.

Melissa Wangemann, General Counsel