

# Proposed Legislation – HB 2072

## **ORGANIZATION TAKING A POSITION**

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## **PRESENTED BY**

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## **POSITION**

Opposed to HB 2072

## **SITUATION**

HB 2072 would restrict the governing body of any municipality to engage in, sell, or otherwise provide material management services to a private person, private entity, or a municipality outside of its incorporated limits. There are limits to this proposed legislation that include provisions in which the governing body has, after public notice and public hearing, made a determination that such material management is not readily available from a non-governmental entity, or adoption of a resolution declaring the existence of a disaster or an emergency. The scope of this solid waste legislation would include: collection, disposal, recycling, composting, or other solid waste services.

## **CONCERNS**

Through a series of legislative actions the State of Kansas has established a very efficient system that allows local governments the flexibility to provide a variety of services to its citizens. This system allows communities and counties to work collectively to assure their citizens are provided with the best and most cost-effective services possible. Communities and counties can utilize a number of methods to provide these services and can either perform the service themselves, work in conjunction with another jurisdiction to provide the services, or retain the services through a private entity. This system has successfully served Kansas citizens for more than 50 years through the Interlocal Cooperation Act 12-2901.

HB 2072, which is before the Local Government Committee of the House of Representatives, is an attempt to change the Interlocal Cooperation Act (as it relates to solid waste services) in a manner that is detrimental to the communities and counties of Kansas and to all citizens of the State of Kansas. This legislation would be detrimental because:

1. Communities and counties would be limited in their options to provide services which would jeopardize their ability to provide economical services for their citizenry.
2. The average tipping fees for solid waste disposal services in Kansas are currently equal to or lower than in neighboring states. This legislation would restrict the ability of communities and counties to work together and this ability is the reason average tipping fees in Kansas are more reasonable. Further, continuing to encourage communities and counties to cooperatively work together will allow tipping fees to remain reasonable well into the future.

3. The private sector is neither positioned nor capable of providing solid waste services to the majority of the state.
4. The cost of private sector solid waste services in the State of Kansas is not always the lowest nor are the services offered always the best, as has been demonstrated in both Finney County and Sedgwick County.
5. The private sector is not necessarily interested in providing services for recycling, waste reduction, household hazardous waste disposal, or other special waste handling in all areas of the state in which they operate. If HB 2072 is enacted, the handling and processing of these services would be significantly weakened resulting in the improper disposal of materials and negative environmental impacts.
6. The majority of the solid waste infrastructure in the State of Kansas is owned and operated by communities and counties. This infrastructure was financed and built based on the ability of these municipalities to provide services to their citizenry and neighboring communities and counties.
7. The lack of solid waste collection and disposal options for the citizens of the State of Kansas will result in higher costs and potentially questionable service.
8. Planning efforts for future solid waste programs and services would be severely limited.
9. The opportunity to enhance innovative methods of solid waste collection and disposal throughout the State of Kansas would be severely curtailed if communities and counties could no longer cooperatively work together to address their solid waste needs.
10. This proposed legislation would effectively destroy the existing, efficient solid waste system in the State of Kansas which would adversely impact the state and the cost to return to the existing solid waste system would be significant.

### **RECOMMENDATION**

The proposed legislation would add significant burdens to communities and counties in the State of Kansas. This legislation offers no improvements to the present solid waste system and provides no benefits to the citizens of the State of Kansas. A piece of legislation such as HB 2072 may provide some benefit to a few private solid waste firms; however, it will only result in devastating a solid waste system that operates effectively and efficiently, is environmentally secure, and very economical for its users. HB 2072 should be removed from consideration by the Committee.