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SEWARD COUNTY WASTE MANAGEMENT SERVICE

Testimony
Before
House Local Government Committee
On H.B. 2072

Good morning Mr. Chairman and members of the committee. Thank you for the opportunity to speak before you today. My name is Mike Tabor, and I am here to speak in opposition to H.B. 2072.

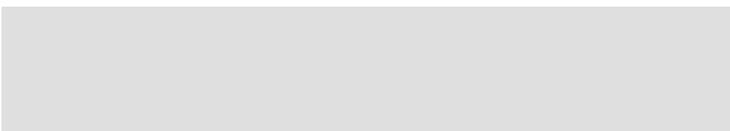
This is a bill that is designed to limit public solid waste operations from operating outside city and county incorporated boundaries. There are a couple of questions that I think the committee needs to consider as you contemplate the necessity of a state law restricting what entities can and cannot provide waste services.

Why do public entities, such as Seward County, provide waste services?

Local units of government have been providing waste services for a long time. Removal of waste has historically been a necessary function of local government to improve public health and safety. In many instances, private companies have not found it profitable to operate in sparsely populated areas of the state like southwest Kansas. Therefore local governments have provided the service.

Additionally, EPA regulations from the federal government put additional pressures on local governments to meet “subtitle D” regulations in order to continue to operate. Compliance with these regulations was costly and many counties decided not to establish a subtitle D landfill. Some counties did assume the added costs and have provided waste services to other counties to reduce costs to customers. This is the type of efficiency that legislatures typically encourage, not discourage. HB 2072 would penalize local governments, such as Seward County, and its customers for trying to be prudent with taxpayers’ dollars and still meet the needs of their constituents. A local unit of government should not be penalized for making the choice and the commitment to provide a necessary service at an affordable cost.

Passage of HB 2072 is an unnecessary intrusion into the decisions of local government that the marketplace can sort out without mandates from the state government. The state should not impede on this local control.



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Can a private company provide waste services and compete with a public entity providing waste services under state law today?

Yes. There is currently no restriction on the ability of a privately owned company to provide waste service anywhere in the state of Kansas.

This legislation is an attempt by private companies to legislate their public competition from the marketplace. It clearly limits the ability of long standing waste services provided by public entities to continue operating as they have for 100 years. This legislation, if adopted, would be an intrusion by the state into the investments made by local taxpayers and consumers in their regional operations. Currently, municipalities and private business are afforded the option of making bids and proposals to both private and public entities for waste services. The consumer will choose the best service at the best possible price.

It seems prudent to allow the marketplace to resolve this “dispute.” The marketplace is the most efficient manner to resolve these issues... not through legislative mandates.

One important item to consider is that waste services by local units of government or private industry are not tax supported or tax subsidized services. Any waste customer pays a fee for service. Government has provided this utility service just like water, sewer, etc. for years to assure protection of public health.

Finally, state law **requires** local units of governments to have a solid waste management plan. (see K.S.A. 65-3405) It is interesting that the state would mandate local units to provide a service then limit their ability to perform in the most efficient manner possible.

The proponents of the bill have stated that the grandfather clause and the vote allow for all existing publicly operated services to be maintained. We disagree. The bill would not allow an entity like Seward County Waste Management to renew contracts with existing customers. Additionally, the exceptions in subsection (b) of Section 1 create an unnecessary burden on the local units of government and would only create unnecessary hurdles in order to provide a long standing service that is necessary to ensure public health.

Members of the committee, I thank you for your time in considering the implications of HB 2072. However, I think the policy being promoted in this bill is fundamentally flawed. I strongly oppose HB 2072, and I encourage you to do the same.

Thank you Mr. Chairman and members of the committee. I will stand for questions at the appropriate time.