



February 12, 2013

To: Committee on Local Government

From: Kent Seyfried, Solid Waste Manager  
City of Olathe, Kansas

Subject: Testimony in opposition to HB 2072

There is no up-side to limiting competition by legislation for any Kansas resident. HB 2072 would prevent a municipal government from providing material management services outside the incorporated limits of the municipality. The term "Material Management" as used in the bill is defined as the processing, collecting, disposal, etc., of solid waste and recyclable materials. The proposed bill contains exceptions which are very limited and only adds to the confusion of how exceptions may be implemented if the bill becomes law. Solid waste management is not just a material management issue, it is a community health issue that has been successfully planned for and managed by cities and counties in Kansas for many years. This bill would benefit private waste haulers at the detriment of rate payers, your constituents. For an industry that in the past has always claimed to be market driven, it is very troubling that they would want to exclude local governments from even considering the freedom of providing these services to other customers in the state. The City of Olathe and many other local and county municipal governments are concerned that if passed, this legislation could eliminate local government solid waste services, and more importantly increase customer cost. The proposed legislation establishes an environment that results in fewer solid waste services offered to the public, which according to the industry arguments for competition, would lead to higher costs. However there is no guarantee of competition in many areas and no assurance that these services will be provided at an affordable rate unless the service can be provided by a local government which is accountable to the rate payers.

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The private sector provider of solid waste services may claim current unfair advantages that publicly owned providers have without consideration of the fact that municipally owned services are subject to far more public scrutiny of operations and costs. Most all municipal solid waste and recycling services operate as enterprise funds for their residents, receiving no other funding other than the fees and revenues that they generate, with no General Fund tax support. These public enterprise funds and their operating budgets and fees are approved and authorized by their respective elected officials and subject to open records laws that privately owned companies would never allow. If the argument for or against this proposed bill is private versus public service providers, it should be pointed out that municipally operated system in Kansas affords many communities with jobs and the revenues from these operations not only fund the solid waste and recycling programs, but all of the money stays in the local communities. In most instances the large private "for profit" companies send the profits to their corporate offices in a distant city, in a different state. Again, as reflected in current Kansas Statutes, our position has always been that the local government is responsible for solid waste management planning and services whether it is provided by public or private operators at the best possible value for the service. HB 2072 is not about providing better service or better prices to the consumers and businesses of Kansas. It is about limiting competition and putting more profit in privately owned solid waste corporations.

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