



To: House Local Government Committee
From: Kim Winn, Deputy Director
Date: February 14, 2012
Re: HB 2639

Thank you for the opportunity to offer comments regarding HB 2639. LKM stands in opposition to this legislation.

As written, HB 2639 is a serious infringement upon Constitutional Home Rule and local control. The decision as to which services a city will provide is a truly local one that should be left to locally elected officials.

The peanut of this bill prohibits cities and other municipalities from participating in any commercial solid waste activity if there is a private business that believes that they can provide the services at the same or lower cost. In addition, there are many requirements in the bill with regard to the financial statements of the municipality that must be provided. However, the bill does not include any such requirements for the private company. Therefore, how exactly would one be able to analyze which entity is providing the more efficient service?

Solid waste services across the state are provided by a variety of different public and private entities. In many cases, cities, counties, and even private haulers have put in place agreements with regard to how these services will be provided in a particular area. HB 2639 would supersede these agreements and would provide that such activities would be regulated by the Kansas Department of Health and Environment which is given rule and reg authority in this bill.

Finally, our organization was asked during the 2011 Legislative Session to sit down with solid waste haulers to work out compromise legislation. We did so and that legislation passed last year. At no time during those discussions did the issue of municipalities providing this service come up.

We oppose any further restrictions being placed on municipalities with regard to solid waste service and we respectfully request that you do not recommend HB 2639 favorably for passage. Thank you for your consideration of this request. I would be happy to stand for questions at the appropriate time.