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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3389

03/21/2016 Authored by Slocum

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act  
1.2 relating to local governments; regulating organized collection; amending  
1.3 Minnesota Statutes 2014, section 115A.94, subdivisions 3, 4d.  
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 115A.94, subdivision 3, is amended to read:

1.6 Subd. 3. **General provisions.** (a) The local government unit may organize  
1.7 collection as a municipal service or by ordinance, franchise, license, negotiated or ~~bidded~~  
1.8 contract, or other means, using one or more collectors or an organization of collectors.  
1.9 The local government unit is prohibited from soliciting additional outside bids for  
1.10 organized collection.

1.11 (b) The local government unit may not establish or administer organized collection  
1.12 in a manner that impairs the preservation and development of recycling and markets for  
1.13 recyclable materials. The local government unit shall exempt recyclable materials from  
1.14 organized collection upon a showing by the generator or collector that the materials are or  
1.15 will be separated from mixed municipal solid waste by the generator, separately collected,  
1.16 and delivered for reuse in their original form or for use in a manufacturing process.

1.17 (c) The local government unit shall invite and employ the assistance of interested  
1.18 persons, including persons licensed to operate solid waste collection services in the local  
1.19 government unit, in developing plans and proposals for organized collection and in  
1.20 establishing the organized collection system.

1.21 (d) Organized collection accomplished by contract or as a municipal service may  
1.22 include a requirement that all or any portion of the solid waste, except (1) recyclable  
1.23 materials and (2) materials that are processed at a resource recovery facility at the capacity  
1.24 in operation at the time that the requirement is imposed, be delivered to a waste facility

2.1 identified by the local government unit. In a district or county where a resource recovery  
2.2 facility has been designated by ordinance under section 115A.86, organized collection  
2.3 must conform to the requirements of the designation ordinance.

2.4 Sec. 2. Minnesota Statutes 2014, section 115A.94, subdivision 4d, is amended to read:

2.5 Subd. 4d. **Participating collectors proposal requirement.** (a) Prior to establishing  
2.6 a committee under subdivision 4a to consider organizing residential solid waste collection,  
2.7 a city or town with more than one licensed collector must notify the public and all licensed  
2.8 collectors in the community. The city or town must provide a ~~60-day~~ six-month period in  
2.9 which meetings and negotiations shall occur exclusively between licensed collectors and  
2.10 the city or town to develop a proposal in which interested licensed collectors, as members  
2.11 of an organization of collectors, collect solid waste from designated sections of the city or  
2.12 town. The proposal shall include identified city or town priorities, including issues related  
2.13 to zone creation, traffic, safety, environmental performance, service provided, and price,  
2.14 and shall reflect existing haulers maintaining their respective market share of business as  
2.15 determined by each hauler's average customer count during the six months prior to the  
2.16 commencement of the ~~60-day~~ six-month negotiation period. If an existing hauler opts  
2.17 to be excluded from the proposal, the city may allocate their customers proportionally  
2.18 based on market share to the participating collectors who choose to negotiate. The initial  
2.19 organized collection agreement executed under this subdivision must be for a period of  
2.20 three to seven years. Upon execution of an agreement between the participating licensed  
2.21 collectors and city or town, the city or town shall establish organized collection through  
2.22 appropriate local controls and is not required to fulfill the requirements of subdivisions  
2.23 4a, 4b, and 4c, except that the governing body must provide the public notification and  
2.24 hearing required under subdivision 4c.

2.25 (b) If the licensed collectors and the city or town are unable to reach an agreement  
2.26 after engaging in negotiation for at least six months, either the licensed collectors or the city  
2.27 or town may request arbitration. If the parties enter into arbitration, the costs of arbitration  
2.28 must be shared equally between (1) the licensed collectors group, and (2) the city or town.