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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 128

01/22/2013 Authored by Slocum; Wagenius; Johnson, S., and Hoppe
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to solid waste; amending process for cities to implement organized
1.3 collection of solid waste; amending Minnesota Statutes 2012, section 115A.94,
1.4 subdivisions 2, 5, by adding subdivisions; repealing Minnesota Statutes 2012,
1.5 section 115A.94, subdivision 4.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 115A.94, subdivision 2, is amended to read:

1.8 Subd. 2. **Local authority.** A city or town may organize collection, ~~after public~~
1.9 ~~notification as required provided in subdivision 4~~ subdivisions 4a to 4c. A county may
1.10 organize collection as provided in subdivision 5.

1.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.12 Sec. 2. Minnesota Statutes 2012, section 115A.94, is amended by adding a subdivision
1.13 to read:

1.14 Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance,
1.15 franchise, license, contract, or other means of organizing collection, a city or town,
1.16 by resolution of the governing body, must establish an organized collection options
1.17 committee to identify, examine, and evaluate various methods of organized collection.
1.18 The governing body shall appoint the committee members.

1.19 (b) The organized collection options committee is subject to chapter 13D. For the
1.20 purposes of this section, "governing body" of a town means the board of supervisors.

1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.1 Sec. 3. Minnesota Statutes 2012, section 115A.94, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 4b. **Committee duties.** The committee established under subdivision 4a shall:

2.4 (1) determine which methods of organized collection to examine, which must include:

2.5 (i) a system in which a single collector collects solid waste from all sections of
2.6 a city or town; and

2.7 (ii) a system in which multiple collectors, either singly or as members of an
2.8 organization of collectors, collect solid waste from different sections of a city or town;

2.9 (2) establish a list of impacts on which the organized collection methods selected
2.10 for examination will be evaluated, which may include: costs to residential subscribers,
2.11 miles driven by collection vehicles on city streets and alleys, initial and operating costs
2.12 to the city of implementing the organized collection system, providing incentives for
2.13 waste reduction, impacts on solid waste collectors, and other physical, economic, fiscal,
2.14 social, environmental, and aesthetic impacts;

2.15 (3) collect information regarding the operation and efficacy of existing methods of
2.16 organized collection in other cities and towns;

2.17 (4) seek input from, at a minimum:

2.18 (i) the governing body of the city or town;

2.19 (ii) the local official of the city or town responsible for solid waste issues;

2.20 (iii) persons currently licensed to operate solid waste collection and recycling
2.21 services in the city or town; and

2.22 (iv) residents of the city or town who currently pay for residential solid waste
2.23 collection services; and

2.24 (5) issue a report on the committee's research, findings, and any recommendations to
2.25 the governing body of the city or town.

2.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.27 Sec. 4. Minnesota Statutes 2012, section 115A.94, is amended by adding a subdivision
2.28 to read:

2.29 Subd. 4c. **Governing body; implementation.** The governing body of the city or
2.30 town shall consider the report and recommendations of the organized collection options
2.31 committee. The governing body must hold at least one public hearing before deciding
2.32 to implement organized collection. Organized collection may begin no sooner than six
2.33 months after the effective date of the decision of the governing body of the city or town to
2.34 implement organized collection.

3.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.2 Sec. 5. Minnesota Statutes 2012, section 115A.94, subdivision 5, is amended to read:

3.3 Subd. 5. **County organized collection.** (a) A county may by ordinance require
3.4 cities and towns within the county to organize collection. Organized collection ordinances
3.5 of counties may:

3.6 (1) require cities and towns to require the separation and separate collection of
3.7 recyclable materials;

3.8 (2) specify the material to be separated; and

3.9 (3) require cities and towns to meet any performance standards for source separation
3.10 that are contained in the county solid waste plan.

3.11 (b) A county may itself organize collection under ~~subdivision 4~~ subdivisions 4a to 4c
3.12 in any city or town that does not comply with a county organized collection ordinance
3.13 adopted under this subdivision, and the county may implement, as part of its organized
3.14 collection, the source separation program and performance standards required by its
3.15 organized collection ordinance.

3.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.17 Sec. 6. **REPEALER.**

3.18 Minnesota Statutes 2012, section 115A.94, subdivision 4, is repealed.

3.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

115A.94 ORGANIZED COLLECTION.

Subd. 4. **Cities and towns; notice; planning.** (a) At least 180 days before implementing an ordinance, franchise, license, contract or other means of organizing collection, a city or town, by resolution of the governing body, shall announce its intent to organize collection and invite the participation of interested persons, including persons licensed to operate solid waste collection services, in planning and establishing the organized collection system.

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be operating solid waste collection services in the city or town. The failure to give mailed notice to persons or defect in the notice does not invalidate the proceedings, provided a bona fide effort to comply with notice requirements has been made.

(c) During a 90-day period following the resolution of intent, the city or town shall develop or supervise the development of plans or proposals for organized collection. During this 90-day planning period, the city or town shall invite and employ the assistance of persons licensed as of the date of the resolution of intent to operate solid waste collection services in the city or town. Failure of a licensed collector to participate in the 90-day planning period, when the city or town has made a bona fide effort to provide the person the opportunity to participate, does not invalidate the planning process.

(d) For 90 days after the date ending the planning period required under paragraph (c), the city or town shall discuss possible organized collection arrangements with all licensed collectors operating in the city or town who have expressed interest. If the city or town is unable to agree on an organized collection arrangement with a majority of the licensed collectors who have expressed interest, or upon expiration of the 90 days, the city or town may propose implementation of an alternate method of organizing collection as authorized in subdivision 3.

(e) The city or town shall make specific findings that:

(1) describe in detail the procedures it used to plan and to attempt implementation of organized collection through an arrangement with collectors who expressed interest; and

(2) evaluate the proposed organized collection method in light of at least the following standards: achieving the stated organized collection goals of the city or town; minimizing displacement of collectors; ensuring participation of all interested parties in the decision-making process; and maximizing efficiency in solid waste collection.

(f) Upon request, the city or town shall provide mailed notice of all proceedings on the organization of collection in the city or town.

(g) If the city or town and all the persons licensed to operate mixed municipal solid waste collection services and doing business in the city or town agree on the plan, the city or town may implement the plan without regard to the 180-day period specified in paragraph (a).