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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. 1976

03/02/2017 Authored by Garofalo and West  
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act  
1.2 relating to solid waste; modifying requirements for establishing organized  
1.3 collection; amending Minnesota Statutes 2016, section 115A.94, subdivisions 3,  
1.4 4a, 4b, 4d.

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

1.6 Section 1. Minnesota Statutes 2016, section 115A.94, subdivision 3, is amended to read:

1.7 Subd. 3. **General provisions.** (a) The local government unit may organize collection as  
1.8 ~~a municipal service or by ordinance, franchise, license, negotiated or bidded contract, or~~  
1.9 ~~other means,~~ using ~~one or more~~ collectors or an organization of collectors currently collecting  
1.10 solid waste within its jurisdiction.

1.11 (b) The local government unit may not establish or administer organized collection in  
1.12 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 persons,  
1.18 including persons licensed to operate solid waste collection services in the local government  
1.19 unit, in developing plans and proposals for organized collection and in establishing the  
1.20 organized collection system.

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

2.1 at the time that the requirement is imposed, be delivered to a waste facility identified by the  
 2.2 local government unit. In a district or county where a resource recovery facility has been  
 2.3 designated by ordinance under section 115A.86, organized collection must conform to the  
 2.4 requirements of the designation ordinance.

2.5 **EFFECTIVE DATE.** This section is effective retroactively from March 1, 2017, and  
 2.6 applies to a local government unit that has not executed an agreement or enacted an ordinance  
 2.7 to implement organized collection on or before that date.

2.8 Sec. 2. Minnesota Statutes 2016, section 115A.94, subdivision 4a, is amended to read:

2.9 Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, ~~franchise,~~  
 2.10 ~~license, contract, or other means of organizing~~ establishing organized collection, a city or  
 2.11 town, by resolution of the governing body, must establish an organized collection options  
 2.12 committee to identify, examine, and evaluate various methods of organized collection. The  
 2.13 governing body shall appoint the committee members.

2.14 (b) The organized collection options committee is subject to chapter 13D.

2.15 **EFFECTIVE DATE.** This section is effective retroactively from March 1, 2017, and  
 2.16 applies to a local government unit that has not executed an agreement or enacted an ordinance  
 2.17 to implement organized collection on or before that date.

2.18 Sec. 3. Minnesota Statutes 2016, section 115A.94, subdivision 4b, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

3.12 **EFFECTIVE DATE.** This section is effective retroactively from March 1, 2017, and  
 3.13 applies to a local government unit that has not executed an agreement or enacted an ordinance  
 3.14 to implement organized collection on or before that date.

3.15 Sec. 4. Minnesota Statutes 2016, section 115A.94, subdivision 4d, is amended to read:

3.16 Subd. 4d. **Participating collectors proposal requirement.** Prior to establishing a  
 3.17 committee under subdivision 4a to consider organizing residential solid waste collection,  
 3.18 a city or town with more than one licensed collector must notify the public and all licensed  
 3.19 collectors in the community. The city or town must provide a 60-day period in which  
 3.20 meetings and negotiations shall occur exclusively between licensed collectors and the city  
 3.21 or town to develop a proposal in which interested licensed collectors, as members of an  
 3.22 organization of collectors, collect solid waste from designated sections of the city or town.  
 3.23 The proposal shall include identified city or town priorities, including issues related to zone  
 3.24 creation, traffic, safety, environmental performance, service provided, and price, and shall  
 3.25 reflect existing haulers maintaining their respective market share of business as determined  
 3.26 by each hauler's average customer count during the six months prior to the commencement  
 3.27 of the 60-day negotiation period. If an existing hauler opts to be excluded from the proposal,  
 3.28 the city may allocate their customers proportionally based on market share to the participating  
 3.29 collectors who choose to negotiate. The term of the initial organized collection agreement  
 3.30 executed under this subdivision must be ~~for a period of three to seven~~ no less than ten years.  
 3.31 Upon execution of an agreement between the participating licensed collectors and city or  
 3.32 town, the city or town shall establish organized collection through appropriate local controls  
 3.33 and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except that the

- 4.1 governing body must provide the public notification and hearing required under subdivision
- 4.2 4c.
- 4.3 **EFFECTIVE DATE.** This section is effective retroactively from March 1, 2017, and
- 4.4 applies to a local government unit that has not executed an agreement or enacted an ordinance
- 4.5 to implement organized collection on or before that date.