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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3095

- 02/26/2018 Authored by Smith and Uglem
- The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
- 03/15/2018 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices Policy
- 03/26/2018 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time
- 04/12/2018 Calendar for the Day
- Read for the Third Time
- Passed by the House and transmitted to the Senate
- 05/16/2018 Passed by the Senate and returned to the House
- 05/17/2018 Presented to Governor
- 05/20/2018 Governor Approval

1.1 A bill for an act

1.2 relating to solid waste; modifying waste management provisions; amending

1.3 Minnesota Statutes 2016, section 115A.94, subdivisions 2, 4a, 4b, 4c, 4d, 5, by

1.4 adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2016, section 115A.94, subdivision 2, is amended to read:

1.7 Subd. 2. **Local authority.** A city or town may organize collection, after public notification

1.8 and hearing as required in subdivisions 4a to ~~4d~~ 4f. A county may organize collection as

1.9 provided in subdivision 5. A city or town that has organized collection as of May 1, 2013,

1.10 is exempt from subdivisions 4a to ~~4d~~ 4f.

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

1.12 Subd. 4a. **Committee establishment.** (a) Before implementing an ordinance, franchise,

1.13 license, contract, or other means of organizing collection, a city or town, by resolution of

1.14 the governing body, must establish ~~an organized~~ a solid waste collection options committee

1.15 to identify, examine, and evaluate various methods of ~~organized~~ solid waste collection. The

1.16 governing body shall appoint the committee members.

1.17 (b) The ~~organized~~ solid waste collection options committee is subject to chapter 13D.

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

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

1.20 (1) determine which methods of ~~organized~~ solid waste collection to examine, which

1.21 must include:

2.1 (i) the existing system of collection;

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

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

2.6 (2) establish a list of criteria on which the ~~organized~~ solid waste collection methods
 2.7 selected for examination will be evaluated, which may include: costs to residential
 2.8 subscribers, impacts on residential subscribers' ability to choose a provider of solid waste
 2.9 service based on the desired level of service, costs and other factors, the impact of miles
 2.10 driven by ~~collection vehicles~~ on city streets and alleys and the incremental impact of miles
 2.11 driven by collection vehicles, initial and operating costs to the city of implementing the
 2.12 ~~organized~~ solid waste collection system, providing incentives for waste reduction, impacts
 2.13 on solid waste collectors, and other physical, economic, fiscal, social, environmental, and
 2.14 aesthetic impacts;

2.15 (3) collect information regarding the operation and efficacy of existing methods of
 2.16 ~~organized~~ solid waste 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 services
 2.21 in the city or town; and

2.22 (iv) residents of the city or town who currently pay for residential solid waste collection
 2.23 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 Sec. 4. Minnesota Statutes 2016, section 115A.94, subdivision 4c, is amended to read:

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

3.1 Sec. 5. Minnesota Statutes 2016, section 115A.94, subdivision 4d, is amended to read:

3.2 Subd. 4d. **Participating collectors proposal requirement.** ~~Prior to~~ Before establishing
3.3 a committee under subdivision 4a to consider organizing residential solid waste collection,
3.4 a city or town with more than one licensed collector must notify the public and all licensed
3.5 collectors in the community. The city or town must provide a ~~60-day~~ period of at least 60
3.6 days in which meetings and negotiations shall occur exclusively between licensed collectors
3.7 and the city or town to develop a proposal in which interested licensed collectors, as members
3.8 of an organization of collectors, collect solid waste from designated sections of the city or
3.9 town. The proposal shall include identified city or town priorities, including issues related
3.10 to zone creation, traffic, safety, environmental performance, service provided, and price,
3.11 and shall reflect existing haulers maintaining their respective market share of business as
3.12 determined by each hauler's average customer count during the six months prior to the
3.13 commencement of the ~~60-day~~ exclusive negotiation period. If an existing hauler opts to be
3.14 excluded from the proposal, the city may allocate their customers proportionally based on
3.15 market share to the participating collectors who choose to negotiate. The initial organized
3.16 collection agreement executed under this subdivision must be for a ~~period of three to seven~~
3.17 years. Upon execution of an agreement between the participating licensed collectors and
3.18 city or town, the city or town shall establish organized collection through appropriate local
3.19 controls and is not required to fulfill the requirements of subdivisions 4a, 4b, and 4c, except
3.20 that the governing body must provide the public notification and hearing required under
3.21 subdivision 4c.

3.22 Sec. 6. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision to
3.23 read:

3.24 Subd. 4e. **Parties to meet and confer.** Before the exclusive meetings and negotiations
3.25 under subdivision 4d, participating licensed collectors and elected officials of the city or
3.26 town must meet and confer regarding waste collection issues, including but not limited to
3.27 road deterioration, public safety, pricing mechanisms, and contractual considerations unique
3.28 to organized collection.

3.29 Sec. 7. Minnesota Statutes 2016, section 115A.94, is amended by adding a subdivision to
3.30 read:

3.31 Subd. 4f. **Joint liability limited.** Notwithstanding section 604.02, an organized collection
3.32 agreement must not obligate a participating licensed collector for damages to third parties
3.33 solely caused by another participating licensed collector. The organized collection agreement

4.1 may include joint obligations for actions that are undertaken by all the participating licensed
4.2 collectors under this section.

4.3 Sec. 8. Minnesota Statutes 2016, section 115A.94, subdivision 5, is amended to read:

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

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

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

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

4.12 (b) A county may itself organize collection under subdivisions 4a to ~~4d~~ 4f in any city
4.13 or town that does not comply with a county organized collection ordinance adopted under
4.14 this subdivision, and the county may implement, as part of its organized collection, the
4.15 source separation program and performance standards required by its organized collection
4.16 ordinance.

4.17 Sec. 9. **EFFECTIVE DATE.**

4.18 This act is effective January 1, 2019, and applies to organized collection noticed under
4.19 Minnesota Statutes, section 115A.94, subdivision 2, on or after that date.