Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #:960							
Bill #: HB 135 HCS							
Document ID #: 5039							
Bill Title: AN ACT relating to solid waste management companies.							
Sponsor: Representative Jared Bauman							
Unit of Government: X City X County X Urban-County Unified Local Unified Local Unified Local Unified Local Unified Local							
X Charter County X Consolidated Local X Government							
Office(s) Impacted: Solid waste management							
Requirement: <u>X</u> Mandatory Optional							
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing							

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 135 HCS would create a new section of KRS Chapter 109 to prohibit a county or a waste management district from requiring a solid waste hauling service company or its customers to produce information regarding its commercial or residential service price or customer list. The prohibition would apply to privately contracted solid waste management services that are not provided pursuant to a franchise agreement.

The current practice regarding a requirement that such information be divulged seems to vary among county solid waste management programs; however, the Kentucky Department of Environmental Protection, Division of Waste Management requires a municipal solid waste collector or recycler to complete DEP Form 5033 each year. The form requires that the hauler identify the monthly cost per household for solid waste collection, the number of households served, and the route or coverage area. It does not require names or addresses of customers nor require any information regarding commercial pick-up except number of businesses served.

DEP Form 5033 must be reported to the counties where the solid waste collection service provides service and submitted to the Division of Waste Management, Recycling and Local Assistance Branch. The form advises that persons filing it may claim confidentiality of the information as a trade secret or confidential business information in accordance with 400 KAR 1:060.

The fiscal impact of HB 135 HCS on local governments is indeterminable but would be neutral so long as not interpreted as prohibiting a local government or area solid waste management agency obtaining pricing and coverage information relevant to evaluating bids for public contracts or franchises for waste hauling within their jurisdiction, or performing other due diligence.

Data Source(s):	Kentucky Department of Environmental Protection, Division of Waste				
	Management website; Kentucky League of Cities; Kentucky Association				
	of Counties; LRC staff				

Preparer:	Mary Stephens (BL)	Reviewer:	KHC	Date:	2/9/24
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