

SESSION OF 2022

SUPPLEMENTAL NOTE ON SENATE BILL NO. 493

As Amended by House Committee on
Commerce, Labor and Economic Development

Brief*

SB 493, as amended, would prohibit municipalities from adopting or enforcing an ordinance, resolution, or regulation that restricts, taxes, prohibits, or regulates the use of auxiliary containers.

The bill would define “auxiliary container” as a plastic straw or a bag, cup, package, container, bottle, device, or other packaging, without limitation. Such auxiliary containers could be made out of cloth, paper, plastic, foamed plastic, expanded plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or any similarly coated or laminated material.

The bill would define a “municipality” as any city, county, or unified government.

Municipalities would be expressly allowed to operate composting, recycling, and solid waste disposal programs, and regulate the use of containers on property owned or maintained by a municipality. The bill would also expressly exempt the following activities from the prohibition:

- Passing or enforcing a general sales and use tax;
- Restricting use of glass containers with the municipality for reasons of public safety;
- Prohibiting littering; and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Setting reasonable standards for the regulation of alcohol possession.

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Olson.

Senate Committee on Commerce

In the Senate Committee hearing on February 17, 2022, **proponent** testimony was provided by representatives of the American Recyclable Plastic Bag Alliance, Fuel True Independent Energy and Convenience, Kansas Beverage Association (KBA), Kansas Chamber, Kansas Restaurant and Hospitality Association, and the National Federation of Independent Business (NFIB). The proponents discussed the impact of regulations in other states and the complications that policies have on businesses as they comply with different municipal policies.

Written-only proponent testimony was provided by the a representative of the Wichita Regional Chamber of Commerce.

Opponent testimony was provided by a representative the Sierra Club and a private citizen. Opponent testimony discussed the importance of local home rule and the dangers of pollution caused by plastic bags.

Written-only opponent testimony was provided by representatives of the City of Lawrence, Interfaith Action, Kansas Organization of Recyclers, a representative for the cities of Merriam, Mission, Prairie Village, and Westwood Hills, and 11 private citizens.

No neutral testimony was provided.

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing on March 9, 2022, **proponent** testimony was provided by by representatives of the American Recyclable Plastic Bag Alliance, Fuel True Independent Energy and Convenience, KBA, Kansas Chamber, and Kansas Restaurant and Hospitality Association, generally stating the bill precludes a potential patchwork of local regulations of such containers, which may be necessary for certain businesses.

Written-only proponent testimony was provided by representatives of NFIB and the Wichita Regional Chamber of Commerce.

Opponent testimony was provided by representatives of Kansas Interfaith Action, the League of Kansas Municipalities, Sierra Club, and Sisters of Charity and a private citizen, generally stating plastic containers are harmful to the environment, and local governments should have the authority to make determinations regarding their allowed use.

Written-only opponent testimony was provided by representatives of the City of Lawrence, Kansas Organization of Recyclers, Little Government Relations, and private citizens.

No neutral testimony was provided.

The House Committee amended the bill to add plastic straws to the definition of “auxiliary container” and make technical amendments.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the League of Kansas Municipalities indicates enactment of the bill would have a

negligible fiscal effect on cities, but would eliminate the ability of local governments to generate tax revenue on items listed in the bill. The Kansas Association of Counties indicates enactment of the bill could increase filled trash dumping sites and would prevent counties from attempting to slow dumping through regulation of waste.

Containers; plastic; city regulations; county regulations