

BAG FREE WICHITA'S TESTIMONY IN OPPOSITION TO HOUSE BILL 2625

Bag Free Wichita is opposed to House Bill 2625. There are at least three objections to this proposed legislation which we share with you today.

1. The presumption that plastic bag usage and disposal is a subject best addressed uniformly at the state level. There are many subjects that demand uniform state action, such as taxation, law enforcement and the judicial system. Usage and disposal of single-use plastic bags is not one of those important areas. It is generally accepted that the average American family takes home almost 1500 plastic shopping bags each year. According the 2010 Census, two Kansas counties had populations above 500,000 while six counties had populations of less than 2000. The trash disposal and landfill needs of Johnson and Sedgwick County are logically much different than many rural communities and counties. Yet HB 2625 prohibits larger populated areas from making rational decisions about the uses of their landfills and trash production by their businesses.
2. To eliminate a "patchwork quilt" of inconsistent local laws. This argument fails because this state already allows local communities to legislate the manner in which businesses conduct their activities: zoning and land-use planning. A corporation wishing to operate in Wichita, for example, must comply with local regulations that might ban a gasoline station in the middle of a residential area. Kansas law has always deemed this kind of local regulation to be appropriate. A "patchwork quilt" of local land-use ordinances already exists.

Moreover, what is it about banning "single use plastic bags" that makes it such an abhorrent idea for local government regulation? Are local governments allowed to regulate the disposal of hazardous wastes and junk cars? Are local governments allowed to pass "anti-littering" ordinances? The "patchwork quilt" argument was used successfully and appropriately in the area of firearm regulation. Allowing every local government to pass gun safety regulation might indeed create a "patchwork quilt" of local laws that would intrude upon a citizens constitutionally-protected right to keep and bear arms. The creation of non-biodegradable trash by businesses is not a constitutionally-protected activity.

3. The rights of communities to exercise Home Rule, which is guaranteed by Article 12, Section 5 of the Kansas Constitution. Indeed, page 1, lines 11 and 12 proposes to declare "null and void" any existing city or county ordinance that is already on the books. This cannot be constitutional.

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