



SENATE FEDERAL AND STATE COMMITTEE

BILL NUMBER: HB 2446

Support X Oppose _____ Neutral _____

Testimony Will Be: In Person Oral X Webex Oral _____ Written Only _____

For Meeting on 01/23/2024 (Date)

Testimony By: Brian D Posler (Name of person testifying)

On Behalf Of: Fuel True: Independent Energy and Convenience



INDEPENDENT ENERGY & CONVENIENCE

My name is Brian Posler, and I represent Fuel True: Independent Energy and Convenience. We are the nonprofit statewide trade association serving as the voice of independent Kansas Energy distribution companies and the over 2000 fuel retailers throughout Kansas.

Mr. Chairman and committee members, thank you for the opportunity to provide testimony supporting HB 2446. We support the legislation because it will provide a consistent business environment across the entire state and avoid the patchwork of city and county bans we are beginning to face.

This bill will prohibit municipalities from enacting or enforcing ordinances that would ban plastic bags and other single-use products such as cups, straws, and utensils. Recently, the City of Lawrence has already passed a specific ordinance, and the city of Wichita has also seriously debated putting unique rules in place.

Currently, our retailers that have stores in multiple communities face an incredibly burdensome regulatory environment, and they face the prospect of ever-increasingly diverse rules they must navigate. We are forced to adjust business decisions based on the unique rules of municipalities that have banned some of our convenience items through local ordinances. This means determining which individual stores must have specialized ordering and packaging, outside of our standard inventory management systems. In a business where we buy bags by the bale and containers by the pallet, individual exceptions at the county or municipal level present a challenge regarding compliance, and will always drive up costs that must be passed onto consumers.

Opponents of this bill will argue that it violates the principles of Home Rule, which allow communities autonomy in determining their own ordinances and policy decisions. I suggest that while it is true that many decisions are better left to municipalities, environmental solutions are much more effective when done statewide. Environmental challenges are not unique to municipal areas because the air and water are shared across the state, and thus, statewide solutions will always be more effective than local ordinances. In this instance, the harm done to businesses facing such varied ordinances is clear and immediate and greatly outweighs any possible environmental benefits of changing local rules.

Our retailers can operate under any clear, statewide rules that are established. Whatever the legislature deems necessary to protect the environment or consumers' health and safety can work for us. However, having each municipality create different rules will not solve any problems but will certainly be hostile to businesses just trying to navigate the various local regulations.

We are simply asking for consistency across the state for our retailers. HB 2446 accomplishes this, and we ask for your support.

Brian D Posler

Executive Director

Fuel True Independent Energy and Convenience