

**To:** Senate Committee on Federal & State Affairs  
**From:** Spencer Duncan, Government Affairs Director  
**Date:** January 30, 2024  
**RE:** HB 2446 – Regulating Plastics and Containers Preemption  
*In Opposition – Verbal Testimony*

Thank you to Chairman Thompson and members of the Fed & State Committee for the opportunity to testify today.

HB 2446 is reactionary legislation to a non-existent problem. This bill pushes aside Constitutional Home Rule and the core value of letting Kansans shape their own communities. The League and the cities of Kansas respectfully ask you to support Constitutional Home Rule by voting “no” on HB 2446.

Sixty-three years ago, Kansas voters approved Constitutional Home Rule, which allows cities to conduct their affairs to reflect the direct will of their residents. The Constitutional directive is clear: citizens want local governments to make decisions that reflect their unique communities. HB 2446 contradicts the constitutional right of local self-governance by removing the ability for local officials to determine whether these products fit with the city’s priorities.

Our constitution seeks to address issues like HB 2446, because the subject does not rise to a level that requires your intervention. Specifically, HB 2446 ignores Article 12, Section 5 of the Kansas Constitution: *“Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.”*

There is significance to our constitution that none of us should take lightly. As a nation of laws, this language is more than a casual guideline. It is an extension of the Kansans who make our state great, and issues such as HB 2446 should not invalidate the core value of self-governance.

Aside from the Constitutional Home Rule issues, this bill is unnecessary.

The number of cities considering these restrictions is limited, and this is not likely to become a trend. There is no certainty that other cities will act. This Legislature should not punish all 625 cities simply because one acts in a manner that causes disagreement by officials who do not live in that city.

It is not in the best interest of a city to adopt policies that drive business from that community or turn people away from living in a city. Just as citizens across the state trust in those who serve in the Legislature, this Legislature must trust in the work of local elected officials and the citizens who elect them.

It is important for cities across Kansas to look different and adopt different policies. Citizens and businesses can decide which communities they want to live in and conduct business. Over time, cities will adjust to the marketplace and adopt policies reflective of what attracts businesses and residents.

As it relates to products outlined in HB 2446, many companies directly impacted are already moving to eliminate these products.

In the case of plastic bags, most grocers are already committed to moving away from these products. Aldi, Whole Foods, and Natural Grocers are just a few who already do not provide them. Wal-Mart and Kroger (Dillons) have committed to their removal from stores by as early as 2025. Hy-Vee is looking at the same commitment.

Other companies have discontinued or limited the use of plastic bags. They include McDonald's, Red Lobster, Starbucks, Hyatt, Marriott, Albertsons, and Ikea.

The Beyond-The-Bag Initiative was founded by Wal-Mart, CVS Health, and Target to reinvent the single-use plastic retail bag and identify and implement design solutions for more sustainable bags. The companies that have joined the program include Dick's Sporting Goods, Dollar General, Kroger, Ulta Beauty, Albertson's, Hy-Vee, Walgreens, and other major retailers.

The marketplace is telling the Legislature that bills like this are unnecessary, as the business world is already moving in the opposite direction of what HB 2446 targets. This market trend is another important reason these decisions and discussions need to happen on the local level with businesses—not in the statehouse.

With these points in mind, we urge you to support Constitutional Home Rule by voting "no" on HB 2446. Thank you for your time and consideration. Please let me know if we can provide any additional information that might prove helpful.



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