

**Testimony before the Senate Commerce Committee
Opposing SB 493
Presented by Tad Kramar**

February 17, 2022

Madam Chairwoman and Honorable Members of the Committee:

I am Tad Kramar of Big Springs, Kansas. Thank you for the opportunity to testify in opposition to SB 493. Few people may have realized the dangerously broad sweep of this bill. It seeks to prohibit cities and counties from exercising home rule under the Kansas Constitution to regulate, in any way, any kind of container or bag made of virtually any type of material used by virtually any type of business for practically any purpose.

This alarmingly broad prohibition clearly violates the Kansas Constitution. Article 12, Section 5(b) states: “Cities are hereby empowered to determine their local affairs” Section 5(d) continues: “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.” (emphasis supplied) Consequently, only a serious and compelling state public policy concern could possibly justify taking away a municipality’s Constitutional home rule authority in a particular case. No purported rationale for this bill even approaches the level of a serious and compelling state public policy concern.

On the contrary, this ill-conceived bill would seriously diminish the ability of local elected officials to make decisions they deem best for the communities they serve. As elected officials serving at the level closest to the people, local officials generally have the best knowledge of the needs of their communities. Their ability to meet those needs should not be impeded by the state.

The state legislature dislikes mandates and restrictions from the federal government. The state should not do the same to local government leaders.

Containers impose costs on cities and counties associated with litter clean-up, landfill space and maintenance, cleaning clogged sewers, and recycling. Each city and county should be able to determine the best ways to address these costs consistent with the wishes of their citizens. This is not the place for overbearing, one-size-fits-all regulation by the state, or for the state to prohibit local regulation, but then provide no regulation of its own to address the problems.

Please oppose SB 493. Thank you for your consideration.