

SESSION OF 2014

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2541**

As Recommended by House Committee on
Local Government

Brief*

Sub. for HB 2541 would modify requirements regarding plastic resin codes on plastic bottles and rigid plastic containers. In addition, it would amend solid waste plan restrictions enacted by the Legislature in 2013.

The bill would require plastic bottles and rigid plastic containers distributed, sold, or offered for sale in Kansas to be labeled, on or near the bottom, with a nationally recognized code indicating the plastic resin used to produce the bottle or container. Current law specifies the graphic symbol and the resin coding numbers to be used.

The bill would specify that solid waste plan restrictions adopted by the 2013 Legislature would apply to any landfill, including those in operation before July 1, 2013. It also would require a city or county to meet both conditions in law for adopting restrictions, rather than just one of the conditions. (The 2013 legislation prohibits a city or county from adopting restrictions for a landfill within its boundaries if those restrictions would impair the legislation of another city or county that also uses the landfill, or if the restrictions would require the other city or county to adopt solid waste management requirements not required by statewide rules or regulations.)

*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>

Background

The Director of the Bureau of Waste Management, Kansas Department of Health and Environment testified in support of the original bill, which would have repealed the statute that requires plastic resin content to be stamped on plastic bottles and rigid plastic containers, and that details how that content should be displayed. He said the industry standard for displaying resin content is being changed, and would conflict with Kansas law.

A representative of the Kansas Organization of Recyclers testified in opposition to the bill as introduced, suggesting current law be amended to delete references to a specific graphic symbol and coding scheme, while retaining the requirement to display a plastic resin code. He indicated the code is used by some recycling companies and by consumers to identify products that can be recycled.

Written testimony in opposition to the bill, as introduced, was submitted by a recycling center in Wichita and by a family that has started several recycling programs in Wichita.

The House Committee on Local Government adopted a substitute bill that would strike references to a specific graphic symbol and coding scheme from current law. The substitute bill also would amend State law enacted in 2013 regarding solid waste plan restrictions to specify the law would apply to any solid waste disposal area, including those in operation prior to July1, 2013. The substitute bill would further require a city or county to meet both conditions specified in law for adopting landfill restrictions, rather than meeting one or the other condition.

The fiscal note prepared by the Division of the Budget states passage of the bill, as introduced, would have no effect on the office of Attorney General. The fiscal note further indicates there could be an effect on counties, which currently, after repeated violations, receive a civil penalty of \$50 for each violation. The amount of revenue lost by the counties could not be determined.