

Veto No. 2017-1

HB 1071

June 30, 2017

To the Honorable House of Representatives
of the Commonwealth of Pennsylvania:

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, House Bill 1071, Printer's Number 1270.

This legislation does considerably more than forbid political subdivisions from imposing a ban, fee, surcharge, or tax on recyclable plastic bags provided to consumers. It potentially thwarts local governments from complying with their trustee obligations under Article I, Section 27 of the Pennsylvania Constitution, to protect and preserve the environmental resources in their communities. The prohibition under this bill, therefore, is not consistent with the rights vested by the Environmental Rights Amendment of the Pennsylvania Constitution, and the duties upon all governmental actors, including municipalities. The constitutional obligation under the amendment binds not only state but also local government. As such, the bill cannot remove a political subdivision's separate authority to implement its independent constitutional duties. In practical terms, this means government, at all levels, is required to prevent the unreasonable degradation, diminution, or depletion of our water, air, and land. This prohibition hinders the performance of this important requirement.

This bill also contains a significant preemption issue as it relates to the rights of political subdivisions. In my view, the Commonwealth should only on rare occasions preempt the rights of local governments to implement laws and policies that it believes are in its best interest. Here, the Commonwealth is impeding the freedom of local governments to regulate recyclable plastic bags. This policy supporting this preemption is misguided and should not become the law of this Commonwealth.

For the reasons set forth above, I must withhold my signature from House Bill 1071, Printer's Number 1270.

TOM WOLF