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TO: House Civil Justice Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: May 14, 2019
RE: House Bill 126

To Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee, thank you for this opportunity to present opponent testimony on House Bill 126.

HB 126 is not complicated. It is a one-page bill with a single goal in mind. That goal is to prevent all lawsuits challenging alleged single-subject rule violations 275+ days after the law in question is enacted.

More specifically, the Ohio Constitution – in theory - prevents the General Assembly from passing individual bills containing unrelated subject matter. Among other practical benefits of this restriction, it minimizes the passage of massive legislation with controversial, unvetted, and undebated provisions tucked deep into a bill's language.

I say “in theory” regarding this clause of the state constitution because, despite its existence, lame duck periods during our legislative sessions and budget bills have a bipartisan history of flaunting, if not outright ignoring, the single-subject rule.

The only way for an affected party to challenge what they interpret as a violation is to file a lawsuit in state court. Currently, there is no time limit in the Ohio Revised Code to file such a suit.

That there is no time limit found in Ohio law is apparently concerning to some. However, there does not appear to be a glut of such lawsuits in our courts. Over the years, it also does not appear many of these lawsuits have achieved success as our courts have been extremely hesitant to second-guess the legislature in this area.

In addition, courts currently have tools at their disposal to address frivolous lawsuits and lawsuits filed so late after a bill is enacted that a court is unable to order relief.

Despite the lack of any demonstrated problems making HB 126 necessary and despite the fact courts have the ability and already do consider lawsuits on a case-by-case basis, HB 126 places this 275-day limit on all lawsuits, even those that challenge the most egregious and obvious violations of the single-subject rule.

HB 126 is not needed. But, if passed, Ohioans will have every reason to be concerned the legislative creativity we all witness with budget bills and during lame duck will become more commonplace in the Statehouse as the ability to file lawsuits becomes more limited.

For these reasons and more, the ACLU of Ohio encourages this committee to reject House Bill 126.