



**Senate Bill 222  
Opponent Testimony, Written  
December 3, 2019**

Chair Manning, Vice Chair Brenner, Ranking Member Maharath and members of the Senate Local Government Committee. On behalf of our bipartisan coalition of mayors in Ohio's largest cities, I am writing today in opposition of Senate Bill 222, which would prohibit local governments from placing any tax or fee on auxiliary containers.

The importance of local self-governance and municipal home rule is a core principle of Ohio's Constitution. Section 3, Article XVIII states that: Municipalities shall have the authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

Despite these clear protections of municipal self-governance, the right to home rule continues to be a point of contention between state and local policymakers. It also continues to be a hotly contested matter for the courts. Over the past decade, there have been numerous contentious court battles over home rule on issues such as residency requirements, right-of-way issues, municipal taxation, and others.

Ohio's mayors understand that there will be state laws that impact home rule rights. When those issues arise and there is a clear, overriding state interest, we have demonstrated that we are willing to work cooperatively to address those issues and find solutions.

Recent legislation involving the deployment of micro-wireless technologies in municipal right-of-ways (HB 478) is an example of how local leaders are willing to come together to constructively address a challenge. Before this bipartisan bill was passed with overwhelming support by cities, a similar law was amended into another bill that had a much different fate. This bill (SB 331) became a bitterly contested partisan issue, and it was ultimately opposed by cities, prompting another home-rule related lawsuit. This example demonstrates that local leaders can and will work with state leaders, even on contentious issues that infringe on home rule authority.

Senate Bill 222, however, not only preempts and prevents local governments from having the permissive authority to apply a tax to plastic and paper bags (i.e., an auxiliary containers), but also any tax on straws, plastic utensils, aluminum cans, glass bottles, Styrofoam cups and carry-out food containers. The bill also prohibits municipalities from discontinuing the use of plastic products, such as banning the use of plastic bags. While few of our cities are pursuing such policies, we object to this proposed legislation because it is a troubling encroachment on Ohio's Constitutionally protected Home Rule authority.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keary McCarthy", written over a horizontal line.

Keary McCarthy  
Executive Director, Ohio Mayors Alliance