



Ohio Mayors Alliance Opponent Testimony
HOUSE BILL 242

Keary McCarthy, Executive Director

Ohio Senate Local Government, Public Safety, & Veterans Affairs Committee, May 20, 2020

Chair Manning, Vice Chair Brenner, Ranking Member Maharath and members of the Senate Local Government, Public Safety, and Veterans Affairs Committee, on behalf of the Ohio Mayors Alliance, a bipartisan coalition of mayors in over two dozen of Ohio's largest cities and suburbs, I would like to submit this opposition testimony on Ohio House Bill 242, 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.

House Bill 242, 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.