



Ohio Mayors Alliance Opponent Testimony

HOUSE BILL 192

Keary McCarthy, Executive Director

Ohio House Energy and Natural Resources Committee

May 6, 2021

Chair Stephens, Vice Chair Stewart, Ranking Member Weinstein and members of the Ohio House Energy and Natural Resources 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 192, which would prohibit local governments from limiting the use of fossil fuels.

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.

During the 133rd General Assembly, the legislature enacted House Bill 242 which 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 prohibited municipalities from discontinuing the use of plastic products, such as banning the use of plastic bags. While few of our cities were pursuing such policies, we objected to the bill because it eroded Ohio's Constitutionally protected Home Rule authority.

The Ohio Mayors Alliance recently offered testimony to this committee on House Bill 201 which prohibits local governments from banning the use of natural gas in their communities. We opposed that bill because the legislation erodes Ohio's Constitutionally protected Home Rule authority, which is a foundational issue to our bipartisan coalition of mayors.

The Ohio Mayors Alliance opposes House Bill 192 for similar reasons, and as drafted the bill presents additional challenges to our communities. As this committee knows, many of Ohio's local communities participate in electric or natural gas aggregation programs. These programs are critical to helping utility costs down for our residents. House Bill 192, as drafted, could undercut our communities' ability from getting the best utility deal for their residents. From an administrative perspective, House Bill 192 could limit our communities' regulatory oversight of utility infrastructure consistent as our communities have done for decades.

Thank you for the opportunity to provide some testimony to the committee, Chairman Stephens. We appreciate the bill sponsor's and your willingness to discuss this issue, or any matters concerning Ohio's cities.