



Ohio Mayors Alliance Opponent Testimony

**HOUSE BILL 201**

Keary McCarthy, Executive Director  
Ohio Senate Energy and Utilities Committee  
June 8, 2021

Chair McColley, Vice Chair Schuring, Ranking Member Williams and members of the Ohio Senate Energy and Utilities 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 201, 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 in previous General Assemblies 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.

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.

House Bill 201 further erodes Ohio's Constitutionally protected Home Rule authority by barring any political subdivision by ordinance, resolution, building code, or other similar requirement from limiting, preventing, or prohibiting any consumer within its boundaries from obtaining distribution services or retail natural gas service. The Ohio Mayors Alliance will continue to oppose legislation that erodes Ohio's Constitutionally protected Home Rule authority.

Thank you for the opportunity to provide some remarks to the committee, Chairman McColley. We appreciate your willingness to discuss this particular issue, or any issues concerning Ohio's cities.