



WRITTEN TESTIMONY BEFORE THE SENATE LOCAL GOVERNMENT, PUBLIC
SAFETY AND VETERANS AFFAIRS COMMITTEE

HB 242
OPPONENT TESTIMONY

May 20, 2020

Chair Manning, Vice Chair Brenner, Ranking Member Maharath and members of the Senate Local Government, Public Safety and Veterans Affairs Committee, thank you for the opportunity to write in opposition to HB 242, which would prohibit local governments from placing any tax or fee on auxiliary containers.

This bill not only preempts a municipality from passing a plastic and paper bag tax, but also any tax on straws, plastic utensils, aluminum cans, glass bottles, Styrofoam cups and carry-out food containers. Additionally, the bill prohibits municipalities from discontinuing the use of plastic products, such as banning the use of plastic bags.

HB 242 is a bill that keeps the preemption train rolling in Ohio. Over the last 20 years and longer, previous General Assemblies have passed legislation that usurps the authorities granted to municipalities through Article XVIII of the Ohio Constitution, more casually known as “Home Rule”. This current legislative body has the opportunity to change this and stop the preemption train. This General Assembly can create a new chapter in the partnership between the state and its municipalities, and it can begin by opposing HB 242.

It is important for the members of the General Assembly to understand that communities work with the businesses impacted by new or existing regulations to ensure that there is as little disruption as possible for the businesses operations and to ensure a continued positive customer experience. In the case of one of the communities who recently adopted a fee on single-use plastic bags, Bexley businesses worked in partnership with their municipal leaders to craft the best language for all parties. This cooperation is not an anomaly, but is the standard operating procedure of how our local leaders and businesses work together to affect change.

When the state legislature passes bills preempting municipal local control authority, the will of a majority of 132 legislators essentially trumps the will of the 8.5 million Ohioans that call an Ohio city or village home. Ohio cities and villages are autonomous, unique and have their own history, culture and character, all of which creates differing concerns and challenges.

By the state continuing to impose such “cookie-cutter” approaches to public policy that directly dictate what municipalities and certain townships and counties can and cannot do, a disservice is done to the virtues of direct democracy and the preservations of local control.

Municipal opposition to HB 242 extends beyond the preservation of Home Rule authority. Those communities considering imposing fees on single-use plastic containers are concerned about the long-term impact these items are having on the environment. Passing fees on single-use plastics is one way a community can address those concerns. Cities or villages with an interest in placing fees on auxiliary containers reflect their community’s desire to invest in the environment, both for themselves and for future generations. It is also worth noting that the vast majority of municipalities across Ohio will not feel the need to pass such a fee on plastic containers. However, those communities respect the rights of their fellow municipalities to choose that action for themselves.

Our members greatly appreciated the remarks that have been made by Governor DeWine when he spoke to the importance of allowing local governments to maintain control over local issues, saying his administration does not want to be in the position of telling local governments what local ordinances they can and cannot pass.

We believe the continued erosion of Home Rule authority by the legislature cannot continue. The ordinances passed by a municipality reflect the values of the community they govern. The rights of cities and villages to local control must be preserved, and because of this we respectfully request your opposition to HB 242.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Scarrett", with a stylized flourish at the end.

Kent Scarrett
Executive Director
Ohio Municipal League