

Opinion

Column: State legislatures are on a mission to stifle home rule

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Every day, our local elected officials make decisions that impact our communities — decisions that protect our health and safety, ensure municipal services are seamlessly executed and allow our local needs and values to guide the policies we implement. It's important that they have this ability, especially when the federal or state government lack necessary laws or regulations that address local issues and concerns.

Some of the most important decisions that local elected officials make relate to our environment — how we keep our local streets, waterways and green spaces clean and vibrant. Litter, often composed of single-use convenience items, not only harms the environment but also affects property values and local governmental budgets. That's why a growing number of municipalities across the state are enacting or considering local ordinances to curb the use of wasteful and frequently littered items like plastic bags. Orange Village in Cuyahoga County and the city of Bexley have enacted carryout bag ordinances.

Unfortunately, state lawmakers are attempting to [quash](#) the ability of local governments to enact these types of ordinances. State lawmakers are currently considering [House Bill 242](#), a bill that would preempt local governments from regulating plastic bags and other “auxiliary containers” — the types of bags and packaging that too often are used just once before ending up as just another pollutant clogging our local lakes, rivers and other natural spaces. In opposition to such efforts, voices supporting local decision-making are being joined by others like Surfrider Foundation, which advocates for clean water and healthy beaches.

HB 242 is part of a growing trend — a troubling effort by state lawmakers to take power away from local municipalities to enact laws that provide enhanced rights and protection of health, safety and welfare. In the past few years, we've watched as state lawmakers in Ohio have demonstrated an unprecedented interest in

interfering in local affairs — preempting local governments on issues ranging from minimum wage to paid sick leave to fracking bans.

This use of preemption by the state to establish a growing list of limitations and prohibitions on local governments' advancement of protections and rights isn't just a trend in Ohio, either — a recent report from Local Solutions Support Center and the State Innovation Exchange found that during 2019 state legislative sessions, local municipalities lost power for the ninth year in a row. The study found that a historic number of preemption bills were filed in legislatures nationwide this year across a dizzying array of policy areas. To date, 25 states now bar local government from increasing the minimum wage, 15 states prohibit local bans and/or fees on plastic bags and 10 states prohibit local regulation of e-cigarettes. And that's just the tip of the iceberg.

Bills like HB 242 are particularly troubling for those of us in the Buckeye State because the state constitution grants municipalities home rule — essentially, a long-standing legal principle that allows local governments to govern in the best interests of their communities. HB 242 and other preemption bills run roughshod over the concept and policy of home rule and over the principle tenet of traditional conservative values such as limited government.

These types of preemption bills are indicative of a larger effort to take power away from local communities and to put decisions about their well-being in the hands of state lawmakers who aren't closest to the communities they represent and are more susceptible to pressure from special interests.

Communities in Ohio should be free to make policies to ban or place fees on carryout bags if they deem it a local issue of concern. As voters and constituents of these state legislators, it is incumbent upon us to tell our state-level representatives to not stifle the efforts and authority of local governments that are working hard to address the local needs and concerns of their communities.

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