

# League Continues to Fight Preemptions from State Legislature

**E**very 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 both HB 242 and SB 222, bills 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.

These bills are 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. 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 an historic number of preemption bills were filed in legislatures nationwide this year across a dizzying array of policy areas.

Bills like HB 242 and SB 222 are particularly troubling for the Buckeye State because the Ohio 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.

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.