



THE BUCKEYE INSTITUTE

Interested Party Testimony on House Bill 126 Before the Ohio House Civil Justice Committee

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Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the Committee, thank you for the opportunity to testify today regarding placing a reasonable time limit on filing litigation against a statute based upon a violation of the single clause of the Ohio Constitution.

My name is Greg R. Lawson. I am the research fellow at **The Buckeye Institute**, an independent research and educational institution—a think tank—whose mission is to advance free-market public policy in the states.

The Buckeye Institute applauds the House for striking a proper balance between transparent lawmaking and addressing the uncertainty created by unanticipated constitutional challenges to enacted legislation.

Division (D) of Section 15, Article II of the **Ohio Constitution** states:

No bill shall contain more than one subject, which shall be clearly expressed in its title. No law shall be revived or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections amended shall be repealed.

This single-subject provision makes Ohio law more transparent by keeping legislation focused. Unfortunately, without a statute of limitations to restrict legal challenges under this provision, laws become unpredictable. Allowing litigants to challenge the constitutionality and therefore the binding legal effect of statutes years after their enactment, creates an unsettling uncertainty for those to whom the law applies.

By requiring that such single-subject challenges be brought within 275 days of a law's effective date, House Bill 126 allows for transparency *and* certainty in Ohio lawmaking. Litigants concerned with constitutional violations under the single-subject provision may still file their suits, but they should be prepared to do so soon after the governor signs a bill into law—not years or even decades down the road.

Under most circumstances, a bill goes into effect 90 days after the governor signs it. Thus, even under House Bill 126, litigants would still have a full year to file a single-subject challenge in court. And the 275 day statute of limitations provides approximately nine months even for suits regarding emergency legislation that takes immediate effect.

Litigants deserve their day in court and laws must be enacted pursuant to Ohio's constitutional standards, but those who spend time and money to comply with those laws also deserve to know what the law is—free from the fear of a legal limbo created by the specter of future, arcane legal challenges to the way the law may have been passed. House Bill 126 strikes the right balance between those legitimate but competing interests.

Thank you for your time and consideration. I welcome any questions that the Committee might have.

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