



House Energy and Natural Resources Committee
Chairman Nino Vitale
Opponent Testimony – House Bill 401
Written Testimony of Tyler M. Duvelius
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December 2, 2019

Chairman Vitale, Vice-Chairman Kick, Ranking Member Denson – My name is Tyler Duvelius. I serve as the Executive Director of the Ohio Conservative Energy Forum. I am here today to testify as an opponent of House Bill 401.

The Ohio Conservative Energy Forum (OHCEF) is a pro-wind organization. We are also pro-solar, pro-coal, pro-natural gas, pro-nuclear. We are for any form of energy that can be produced here in Ohio. We seek to expand energy production so that Ohio can transition from an importer of energy to an exporter of energy.¹ We agree with President Trump that America ought to be energy dominant and we acknowledge that job creators and the free market are demanding greater access to cleaner energies. We support a diversification of Ohio's energy portfolio to include a greater share of clean, made-in-Ohio energy.

HB 401 would, once again, move the goalposts on the wind industry in Ohio. Outside of a restaurant obtaining a permit for the sale of alcohol, no other industry, energy or otherwise, faces a public referendum on their investment. Let us make no mistake – energy is a driver of economic investment for many Ohio communities. We have seen the tremendous boon that coal and natural gas have provided to the eastern part of our state.

Similarly, the wind industry is already responsible for contributing millions of dollars in state and local taxes. Wind developers pay Ohio landowners millions more in land lease agreements. The continued development of wind has the potential to add the same benefit to many more Ohio communities. In fact, the fiscal note from the Legislative Services Commission for this bill states: *“Based on applications currently pending before the OPSB, the applicable local taxing jurisdictions will gain millions of dollars in annual revenue if the wind farms are placed into service. Any local referendum that rejects the OPSB’s approval would reduce these prospective receipts.”*

¹ <https://www.eia.gov/state/analysis.php?sid=OH#90>

While the economic arguments against HB 401 could continue to be discussed by noting the desire of major business to have increased access to clean energy, it is important to note that this bill would subject the property rights of Ohio landowners to a vote. Again, this would be unprecedented and would jeopardize the energy freedom that we have enjoyed in Ohio for generations. Without energy freedom, who knows how many natural gas projects would have stalled. Ohio would have lost millions because of environmentalist concerns over hydraulic fracturing. The Ohio Power Siting Board processes worked during the expansion of natural gas, they will work again as the wind industry emerges in the free market.

Furthermore, it is a constitutional right of Ohio landowners to have the liberty to use their property as they see fit, in a way that will benefit them. The Fifth Amendment to the U.S. Constitution states that no person shall be “*be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*” The Constitution guarantees a right to property – it does not guarantee a right to a view.

I am sympathetic to those who may not find wind turbines aesthetically pleasing. Personally, I am not thrilled about the rumored parking garage that will go up in front of my office and block my view of our beautiful Statehouse. But I realize that it is not my property to control. It is important to note that, according to research cited by the United States Department of Energy, if wind turbines do indeed affect property values, “*they are too small and/or too infrequent to result in any widespread, statistically observable impact.*”²

To conclude, this proposal would take Ohio backward and would threaten the economic growth that is offered by the wind industry at a time when Ohio conservatives overwhelmingly support clean energy.³ HB 401 would impede property rights and create an unprecedented hurdle for energy developers in the state of Ohio. For these reasons, OHCEF is opposed to HB 401.

We look forward to continuing to work with members of this body to promote economic growth while ensuring that landowner property rights remain protected.

Thank you for your time. I am happy to answer any questions the committee may have.

² <https://windexchange.energy.gov/projects/property-values>

³ <https://www.ohcef.org/statewide-poll-of-conservative-voters-shows-overwhelming-support-for-clean-energy-policies/>