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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 476
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. D. Manning and Hambley

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SUMMARY

- Provides, generally, township, village, and city legislatures authority to veto the use of eminent domain if it is intended to acquire property for use as a recreational trail.
- Declares an emergency.

DETAILED ANALYSIS

Local eminent domain veto

Operation

The bill gives legislative authorities in municipal corporations (usually a village or city council) and boards of township trustees the ability to veto the use of eminent domain within their borders when property is being taken to provide a recreational trail. The bill defines “recreational trail” as a public trail that is used for hiking, bicycling, horseback riding, ski touring, canoeing, or other nonmotorized forms of recreational travel.

Before a veto can be issued under the bill’s new provisions, the property owner must request one in writing. If the property involved is in both a township and a village or city, the property owner may request a veto from either the board of township trustees or the legislative authority of the village or city, or both, and either or both may issue an effective veto.¹

Notice to property owners

Under continuing law, when a public or private agency (certain private entities such as utilities have authority to take property through eminent domain), intends to use eminent

¹ R.C. 163.022(B) through (D).

domain to appropriate property, it must send the property owner a notice of its intent to acquire the property and a good faith offer to purchase it. The bill requires that the notice include information about the property owner's right to request a local veto.²

Exceptions

The bill's new veto provisions do not apply in any county with more than one probate judge, as established in the Revised Code. Currently, Cuyahoga County is the only Ohio county with more than one probate judge.³

Other remedies

Continuing law provides that if an appropriation is by an unelected public agency and the owner has provided the public agency with a written objection to the appropriation, the elected officials of the public agency or elected individual that appointed the unelected agency may veto the appropriation. If the unelected public agency was appointed by more than one public agency or elected individual, a majority vote of the elected officials of the appointing public agencies or elected individuals is required to veto the appropriation. If the unelected public agency is a state agency or a state instrumentality such as a university, the Governor has veto authority.

The bill preserves these remedies, and specifies that they are in addition to the bill's new remedies, not alternatives to them.⁴

HISTORY

Action	Date
Introduced	01-21-20

H0476-I-133/ts

² R.C. 163.041 and R.C. 163.04, not in the bill.

³ R.C. 163.022(B)(3) and R.C. 2101.021, not in the bill.

⁴ R.C. 163.022(A) (R.C. 163.021(E) under existing law) and 163.022(C).