

98th House District

Coshocton County, Holmes
County, Knox County

Columbus Office

Vern Riffe Center
77 S. High Street
11th Floor
Columbus, Ohio 43215-6111
(614) 466-2994
(614) 719-6997
Rep98@ohiohouse.gov
www.ohiohouse.gov



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Sponsor Testimony on House Bill 64

Chairman Hillyer, Vice Chair Mathews, Ranking Member Galonski and members of the House Civil Justice Committee, thank you for allowing us to come before you today and present sponsor testimony on House Bill 64, which will reform current eminent domain laws to provide landowners with more rights and support.

In short, the legislation will reform and improve the way that eminent domain is currently used here in Ohio by addressing six primary issues; the need for inverse condemnation, allow landowners to challenge the necessity of takings, ensure that good faith offers are the floor or “minimum” compensation given to landowners, penalize coercive action, grant landowners mandatory attorney fees for successful defense of appeals, and prohibit land takings for recreational trails.

Recently, we have seen an increase in disputes between condemners and land owners here in Ohio. One issue that we are attempting to address with this bill is to allow landowners to object to a taking by challenging the necessity for public use. Currently, lack of clarity in Ohio law prohibits landowners from challenging a taking’s necessity in some cases based on presumptions currently in Ohio law. We hope that clarifying these presumptions allow landowners the opportunity to defend their land in court while still allowing necessary projects to move forward. Doing so will ensure that landowners can challenge the necessity of a taking to protect private property rights and prevent excess and unnecessary takings. Secondly, many of these disputes are due to the fact that Ohio is the only state that does not have an Inverse Condemnation system, which allows a single court to decide if a taking of land has occurred, determine the extent of the taking, and the appropriate compensation. We are seeing lengthy and often confusing court cases, extra costs to both landowners and condemners, and delayed projects due to the lack of regulations and guidelines. This bill seeks to bring much needed clarification and simplification to how we use eminent domain. Reducing the possibility of disputes between landowners and condemners is good for business on both sides. This bill protects landowner rights without impeding needed public projects, which is why this bill has the support of the Ohio Farm Bureau and the Ohio Council of Retail Merchants. By reforming how eminent domain is used we can reduce the need for litigation and establish transparency between government, public condemners, and property owners.

As multi-generational land owners, protection of farmland and its owners has always been an important issue. While we believe that eminent domain is an important tool when utilized correctly, it has always been a concern as to how it is used. This bill seeks to ensure that landowners have all of the necessary tools at their disposal in order to protect their own interests and properties as well as

ensure that they are receiving fair compensation. There are always opportunities to make improvements, especially to current eminent domain laws here in Ohio and we feel that this bill will ensure that we allow property owners to be better prepared and supported.

Once again, Chairman Hillyer and members of the House serving on the Civil Justice Committee, thank you for the opportunity to offer sponsor testimony on behalf of HB 64. We would be happy to answer any questions at this time.