

Ohio Parks and Recreation Association



Testimony on Amended Substitute House Bill 96 Senate Agriculture and Natural Resource Committee May 14, 2024

Good afternoon, Chairman Schaffer, Vice Chair Kohler, Ranking Member Hicks-Hudson and Members of the Committee. I appreciate the opportunity to testify today

I am here on behalf of more than 2,500 members of the Ohio Parks and Recreation Association to express our concern with three specific provisions of Am. Sub. HB 96. The Ohio Parks and Recreation Association represents parks and recreation agencies of all sizes and types throughout the state including nearly every entity in the state providing these services to your constituents.

First, the House passed budget prohibits the use of eminent domain for recreational trails.

This provision could have the impact of raising the cost of many trail projects for local governments throughout the state. This amendment is the result of one problematic case that we have been aware of over the past twenty years. That case, in Mahoning County, has been resolved, and the park district there is no longer pursuing the properties in question through eminent domain.

Trails remain the most requested amenity by the public for parks and recreation agencies.

Eminent domain is a rarely used tool that is often utilized to bring out-of-state landowners to the negotiating table to agree on a reasonable price for land that may be used for trail development. A recent example from Medina County illustrates how the process works.

Several years ago, when Medina County Park District (MCPD) purchased the former Chippewa Lake Amusement Park, a 1.39-acre sliver of land bisected the acquisition. CSX was the owner; the railroad tracks had been abandoned in the early 1900s after ice harvesting and shipments to Cleveland ended. While the district paid \$22,000 per acre for the former park, CSX claimed that their sliver was worth more than \$200,000 per acre. The company was unwilling to negotiate, so the district eventually filed for eminent domain to bring CSX to the bargaining table. In the end, CSX was paid \$12,000. The ability to utilize eminent domain saved Medina County taxpayers as much as \$200,000.

And while this case provides an outstanding example, it is not even the most common use, or best use of this authority. Much more frequently, eminent domain is used when the owner of a piece of property cannot be identified. Because of frequent corporate mergers and ownership changes, most trail projects utilize eminent domain as a tool to acquire property which is derelict -- and sometimes dangerous.

With the one noted exception in Mahoning County, these are outstanding examples of how eminent domain is used for trail projects.

Therefore, we are requesting an amendment to remove this provision by deleting lines 17110 through 17113 of the House passed bill.

Let me very briefly touch on two other issues.

First, for more than a century, Metropolitan Park Districts have been governed by Boards of Commissioners appointed by the County Probate Court Judge as outlined in ORC 1545. This system has worked well in Ohio throughout the history of Metropolitan Park Districts. The House passed budget creates a new process for appointing park district commissioners which appears to apply to just one county—not coincidentally Mahoning County—giving the county commissioners the authority to appoint commissioners while tying the hands of commissioners about who could be appointed.

This language is unnecessary and confusing and would further politicize and complicate park district governance. We are requesting an amendment, which is being drafted by Senator Chavez, to remove this provision.

Second, as you heard in testimony last week, the bill before you cuts funding for the H2Ohio program by \$120 million from the Governor's request over the biennium. We urge you to restore this funding. Our members have worked with ODNR on significant water quality initiatives, including the creation of wetlands around the state. We are proud of the significant role that Ohio has taken in water quality, and would love to see this progress continue.

Thank you, Mr. Chairman and members of the committee. I will be happy to attempt to address questions that members may have.