



**Interested Party Testimony of Ohio Environmental Council Action Fund  
Trent Dougherty, General Counsel  
State Biennial Operating Budget - Substitute House Bill 49  
April 28, 2017**

Chairman Smith, Ranking Member Cera, and Members of the Ohio House Finance Committee, my name is Trent Dougherty, General Counsel for the Ohio Environmental Council Action Fund (OECAF). Thank for the opportunity to submit testimony to the committee today on changes to HB 49.

A couple weeks ago, I testified before the House Finance Committee on the OECAF's three priority areas for the As Introduced version of HB 49:

1. Restore the \$2 million cut to ODNR Division of Forestry (Fund 727321) for FY18.
2. Adequately fund Ohio's efforts to eradicate toxic algae in Lake Erie and around Ohio
3. Close the Emergency Chemical Reporting Gap in Ohio Law

While these issues remain a priority, and we will continue to advocate for these changes, there are two additions to HB 49 that are a direct attack on our local parks that need to be addressed.

We adamantly oppose an amendment added to the bill that would expand probate court authority over local park districts. **We ask that this language be removed.** These districts, under the Revised Code, act as a body politic and corporate with powers to tax, borrow money, and acquire property among other powers. The proposed expansion of court authority over the district is a clear violation of the separation of powers between branches of government by injecting the court into the day-to-day operations of the park district. Enclosed with this testimony is a letter from current OEC board member and former Jackson County Common Pleas Court Judge Bill Martin that further addresses our concerns.

The second area of concern is language added that would require the Chief of the Division of Oil and Gas Resources Management to issue an order for unit operation of a pool or part of a pool for oil and gas where 65% of landowners agree. While we appreciate the exemption for state parks in operation before January 1, 2017 and nature preserves, the exemption does not extend to local park districts. Our local park districts play a vital role in conserving open, green space that provide Ohio families places and opportunities to discover and experience nature. They also help benefit local economies by helping draw visitors into these areas who spend their hard earned dollars on food, shopping and lodging near these areas. In just the Columbus and Franklin County Metro Park system alone, more than 8 million people visited their 19 parks, and more than 180,000 people participate in free nature education programs. Forcing unitization of local parks is both unnecessary as well as potentially detrimental to the use and enjoyment of

these protected local treasurers. **We ask that this language be amended to add local park districts to the exemption.**

In light of federal budget discussions that place funds to clean and protect Lake Erie on the chopping block, we have to reiterate the utmost importance of adequately funding agencies and programs that are responsible for ensuring Ohio meets its phosphorus reduction commitment. Specifically, we recommend:

- Restoring the Healthy Lake Erie Fund (Fund 725505) to its current \$1 Million annual appropriation for FY2018 and FY2019.
- Supporting the Federation of Soil and Water Conservation Districts call for increased funding to local districts across Ohio.
- Increasing funding for Ohio Sea Grant and Heidelberg University Water Quality Lab (Fund 700660) to \$275,000 for FY 2018 and \$350,000 for FY 2019.
- Providing additional, dedicated, funds to Department of Agriculture's Division of Soil, Water and Conservation to implement and enforce key initiatives of Ohio's Agriculture Pollution Abatement Program.

We fully understand the tight budget situation that the state is facing, and the decisions that you as lawmakers have to make in order to keep Ohio fiscally sound. Making these small commitments in Lake Erie will have a huge impact to our state. Each year more than seven million people flock to Ohio's portion of the Lake Erie basin, including Kelleys, South Bass and Middle Bass Islands, to recreate and reconnect with nature and family. As a result, more than 124,000 jobs are sustained, netting \$3.7 billion in wages annually. Tourism, travel, and sport fishing contribute more than \$14.1 billion a year in revenue to Ohio's economy, and \$1.8 billion in federal, state, and local taxes.

In conclusion, Chairman Smith and Members of the Committee, thank you for considering our perspective and our recommendations. We look forward to working with the Committee during the upcoming week to craft a bill that protects Ohio's communities, Ohio's environment, and Ohio's pocketbook.