



TO: Chairman James Hoops
Vice-Chairman Sharon Ray, Ranking Member Kent Smith
Members of the House Public Utilities Committee

FROM: Tyler M. Duvelius, Executive Director, Ohio Conservative Energy Forum

DATE: Tuesday, March 23, 2021

SUBJECT: Written-Only Opposition Testimony of House Bill 118

Thank you for the opportunity to submit written testimony as an opponent to House Bill 118. My name is Tyler Duvelius, I serve as the Executive Director of the Ohio Conservative Energy Forum (OHCEF). OHCEF was founded in 2015 to provide a forum for conservatives to discuss a diverse, all-of-the above energy portfolio – one that includes not only existing sources of energy generation, such as coal, nuclear, and natural gas, but one that also seeks to expand the development of clean and renewable energy sources – like wind and solar energy. OHCEF believes that clean energy, of all stripes, can strengthen both our economy and our national security while providing unmatched opportunities for Ohio-led innovation.

As a general principle, OHCEF seeks to expand energy production so that Ohio can transition from being an importer of energy to an exporter of energy.¹ We agree with former President Trump that America ought to be energy dominant. 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 118 would not only, once again, move the goalposts on the clean energy industry – it would effectively shutter clean energy development in the state of Ohio. Let us make no mistake: energy has long been a driver of economic development for many Ohio communities. We have all seen the tremendous boon that coal and natural gas have provided to eastern Ohio. Clean energy development can offer similar benefits to other parts of our state.

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

In fact, the clean energy industry in Ohio is already responsible for over 114,000 jobs and for contributing millions of dollars in state and local taxes. Additionally, clean energy developers pay Ohio landowners millions of dollars more in land lease agreements. In 2020 alone, clean energy projects were responsible for more than 10 million dollars in taxes to local governments and over 8 million dollars in added income to Ohio farmers and landowners. In a year where many local governments lost significant tax revenue, clean energy provided a backstop against even steeper losses for many of our rural communities. In good years, this money will be used to invest in rural school districts and to make improvements to local communities. The additional revenue could even allow local taxing jurisdictions to reduce local taxes.

In fact, the fiscal note from the Legislative Services Commission for this bill states that projects currently pending before the Ohio Power Siting Board *"would bring millions of dollars of annual revenue to the local taxing authorities, but the referendum provision in the bill could nullify those potential gains."*

The note also explains that: *"Generally, school districts are the largest recipients of property tax revenue for a given taxing district. A school district's share often exceeds 60% of the total amount levied by all governmental authorities. Consequently, school districts would financially benefit the most from additional revenue attributed to utility facilities. If local referendum voters reject OPSB's approval of a utility facility, the school districts' potential revenue gains would not materialize."*

For generations of Ohioans, all forms of energy have been near to the heart of our economy. The clean energy industry is no different. Solar and wind development already represent billions of dollars in economic development. Now is not the time to hang more regulatory hurdles on a growing industry. Instead, we must allow the free market to work.

As a conservative, I feel that it is important to highlight that this bill would subject the property rights of Ohio landowners to a vote. 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? Our state would have lost millions of dollars 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 Ohio.

Furthermore, it is a constitutional right of Ohio landowners to have the liberty to use their land as they see fit. 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.” In short, our beloved Constitution guarantees a right to property – it does not guarantee a right to a view.

To conclude, this legislative proposal would take Ohio backward and would threaten the economic growth that is offered by the clean energy industry at a time when Ohio is ready to get back to work. HB 118 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 118.

I appreciate your attention to my written testimony on House Bill 118. OHCEF looks forward to working with members of this body to promote economic growth while ensuring that the property rights of Ohio’s landowners remain protected.

At your convenience, I would be more than happy to discuss my testimony, or the policy suggestions listed within, in greater detail. I can be reached via email anytime at tyler@ohcef.org.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tyler M. Duvelius". The signature is fluid and cursive, with a large loop at the end.

Tyler M. Duvelius
Executive Director
Ohio Conservative Energy Forum