



OHIO DAIRY PRODUCERS ASSOCIATION

*Supporting Ohio's dairy production industry; optimizing profitability and productivity;
addressing issues that affect dairy producers*

Scott Higgins, CEO
Ohio Dairy Producers Association
Proponent Testimony
House Bill 64
Ohio House Civil Justice Committee
March 14, 2023

Chairman Hillyer, Vice Chair Mathews, Ranking Member Galonski, and members of the House Civil Justice Committee, thank you for allowing the Ohio Dairy Producers to come before you today and present proponent testimony on House Bill 64. This bill will reform the current eminent domain laws to support the rights of land owners in Ohio and also our members across all agriculture backgrounds.

My name is Scott Higgins, and I am the CEO of the Ohio Dairy Producers Association. I appreciate the work of Representatives Kick and Creech, for working on this important farmer protection bill.

By way of background, the ODPa is a grassroots legislative, research, and producer education organization, representing dairy farmers from across the state, regardless of farm size, breed or production strategy, marketing preference, or political affiliation.

Ohio is home to 251,000 dairy cows that live on 1,450 farms and produce 642 million gallons of milk annually, valued at just over \$1 billion. Dairy farms create an economic impact of over \$4 billion. The average herd size is 173 cows. Ohio is ranked 11 in total milk production in the nation and 5th in the number of processing and receiving plants. The total economic impact of dairy products produced and sold in Ohio is \$30.6 billion, which generates 133,200 jobs for Ohioans. And as a fun fact, Ohio is #1 in Swiss cheese #2 in lowfat cottage cheese production.

As our members are farmers and Ohio is reliant on agricultural land, it is the responsibility of all farmers to operate in good faith. It is the mission of ODPa to serve as a collective voice for Ohio's dairy farmers.

Under the U.S. Constitution, Amendment 5 and Ohio Constitution, Article I, Section 19, the government has the power to take private property for public use. Still, it must pay a fair price if it does. This power is referred to as an eminent domain. House Bill 64 makes several modifications to the law governing eminent domain and, by doing so, allows the landowner proper compensation if a public use damages their property. It would also allow landowners to challenge the taking of property through eminent domain, while ensuring that good faith offers are the baseline or the minimum compensation is given to those landowners.



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House Bill 64 would also allow the landowner to take penalized coercive action against the taking of land while granting landowners the mandatory attorney fees for the successful defense of appeals as the plaintiff. Lastly, House Bill 64 would prohibit the taking of property through eminent domain for recreational trails.

Right now, 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.

Simply put, ODPDA supports House Bill 64 with anticipation that it will allow our dairy farmers and anyone within Ohio involved in Agriculture to protect their rights as landowners and prevent excess and unnecessary use of the eminent domain.

As our organization supports and continues to help farm families. We believe in the importance of protecting our natural resources, agriculture, and the dairy industry, as we all depend on land for farms, quality of life, and the the future of our rural communities.

Again, thank you to Chairman Hillyer and members of the House serving on the Civil Justice Committee for the opportunity to submit proponent testimony on behalf of HB 64.