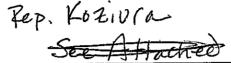
Reviewed As To Form By Legislative Service Commission

LSC 126 1139-1

126th General Assembly Regular Session

H. J. R. No. 10

2005-2006



JOINT RESOLUTION

Proposing to amend Section 19 of Article I and 1 Section 3 of Article XVIII of the Constitution of the State of Ohio to prohibit the use of eminent 3 domain for economic development purposes when the 4 sole or a primary driving force behind the 5 acquisition of private property is a private 6 7 individual or business entity that seeks the private property of another for its own economic 8 9 benefit. 10

Be it resolved by the General Assembly of the State of Ohio,

three-fifths of the members elected to each house concurring

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herein, that there shall be submitted to the electors of the

state, in the manner prescribed by law at a special election to be

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held on February 7, 2006, a proposal to amend Section 19 of

Article I and Section 3 of Article XVIII of the Constitution of

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the State of Ohio to read as follows:

ARTICLE I

Section 19. Private property shall ever be held inviolate but	17
subservient to the public welfare, except that private property	18
shall not be taken for economic development purposes by an	19
exercise of eminent domain when the sole or a primary driving	20
force behind the acquisition of the private property is a private	21
individual or business entity that seeks the private property of	22
another for its own economic benefit. When	23

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When private property is taken in time of war or other public	24
exigency, imperatively requiring its immediate seizure or for the	25
purpose of making or repairing roads, which shall be open to the	26
public, without charge, a compensation shall be made to the owner,	27
in money: and in all other cases, where when private property	28
shall be taken for public use, a compensation therefor shall first	29
be made in money, or first secured by a deposit of money; and such	30
compensation shall be assessed by a jury, without deduction for	31
benefits to any property of the owner.	32
ARTICLE XVIII	
Section 3. Municipalities Except as otherwise provided in	33
this section, municipalities shall have authority to exercise all	34
powers of local self-government and to adopt and enforce within	35
their limits such local police, sanitary and other similar	36
regulations, as are not in conflict with general laws.	37
Municipalities do not have authority to take private property	38
for economic development purposes by an exercise of eminent domain	39
under this article when the sole or a primary driving force behind	40
the acquisition of the private property is a private individual or	41
business entity that seeks the private property of another for its	42
own economic benefit. This limitation does not affect the	43
authority of a municipality under section 4 of this article.	44
EFFECTIVE DATE AND REPEAL	45
If adopted by a majority of the electors voting on the	46
amendment, the amendment takes effect on July 1, 2006, and	47
existing Section 19 of Article I and Section 3 of Article XVIII of	48

the Constitution of the State of Ohio are repealed from that

effective date.

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