

126th General Assembly

Regular Session

2005-2006

H. J. R. No. 10

Rep. Kozlora

~~See Attached~~

JOINT RESOLUTION

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

Be it resolved by the General Assembly of the State of Ohio,
three-fifths of the members elected to each house concurring
herein, that there shall be submitted to the electors of the
state, in the manner prescribed by law at a special election to be
held on February 7, 2006, a proposal to amend Section 19 of
Article I and Section 3 of Article XVIII of the Constitution of
the State of Ohio to read as follows:

ARTICLE I

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

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

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 49
effective date. 50