



David M. Gold

Resolution Analysis
Legislative Service Commission

Am. S.J.R. 1

127th General Assembly
(As Adopted by the Senate)

Sens. Coughlin, Grendell, Mumper, Amstutz, Buehrer, Schaffer, Gardner, Clancy, Niehaus, Carey, Austria, Faber, Goodman, Harris, Jacobson, Padgett, Schuler, Spada, Stivers

RESOLUTION SUMMARY

- Proposes to enact Section 19b of Article I of the Ohio Constitution to provide limits on the power of a public authority to take private property for a public use.

CONTENT AND OPERATION

The joint resolution proposes to amend the Ohio Constitution to prohibit a public authority from taking private property for a public use primarily for the purpose of increasing the revenues available to any public authority. The proposed amendment also states that a possible increase in public revenues that may result from a taking cannot be used as evidence that a private property is blighted.

The proposed amendment states that municipal corporations have the same authority to take private property for a public use as the state has, provided that the municipal corporation exercises that power in conformity with the statutes the General Assembly enacts to govern takings by the state. The proposed amendment expressly provides that its provisions control in the event of any conflict between it and Sections 3, 4, 7, and 10 of Article XVIII of the Ohio Constitution (municipal home rule, municipal acquisition of public utilities, municipal charters, and municipal acquisition of property exceeding public needs) or between it and Sections 2p and 14 of Article VIII (the provisions concerning the Third Frontier economic development program and state financial assistance for housing).

The proposed amendment takes effect immediately if it is adopted by a majority of the electors voting on it and applies only to appropriation proceedings that are commenced on or after its effective date.

HISTORY

ACTION	DATE
Introduced	02-20-07
Reported, S. State & Local Gov't & Veterans Affairs	05-31-07
Adopted Senate (21-11)	05-31-07

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