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Resolution Analysis
Legislative Service Commission

S.J.R. 1*

127th General Assembly

(As Reported by S. State and Local Government and Veterans Affairs)

Sens. Coughlin, Grendell, Mumper, Amstutz, Buehrer, Schaffer, Gardner, Clancy

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. It appears that this statement is intended to diminish or eliminate a municipal corporation's current authority to exercise eminent domain authority under the home rule provisions of the Ohio Constitution (see Sections 3, 4, 7, and 10 of Article XVIII) and to require instead that municipal corporations, like other political subdivisions, exercise that power in conformity with the statutes the General Assembly enacts. Indeed, the proposed amendment provides that it controls in the event of any conflict between it and the home rule provisions of the Ohio Constitution or between it and Sections

* *This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

2p and 14 of Article VIII (the provisions concerning the state's powers regarding economic development for housing and Third Frontier).

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	---

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