

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. J. R. No. 8

Senator Grendell

**Cosponsors: Senators Harris, Wagoner, Niehaus, Spada, Jacobson, Seitz,
Faber, Mumper, Padgett, Schuler, Cates, Carey, Schaffer, Amstutz, Austria,
Cafaro**

JOINT RESOLUTION

Proposing to enact Section 19b of Article I of the 1
Constitution of the State of Ohio to affirm 2
certain property interests with respect to ground 3
water and other water on or flowing through a 4
property owner's land so as to maintain the 5
stability of Ohio's economy. 6

Be it resolved by the General Assembly of the State of Ohio, 7
three-fifths of the members elected to each house concurring 8
herein, that there shall be submitted to the electors of the 9
state, in the manner prescribed by law at the general election to 10
be held on November 4, 2008, a proposal to enact Section 19b of 11
Article I of the Constitution of the State of Ohio to read as 12
follows: 13

ARTICLE I 14

Section 19b. (A) The stability of Ohio's economy and the 15
protection of the rights of Ohio's property owners require the 16
recognition and protection of property interests in ground water, 17
lakes, and watercourses. 18

(B) The preservation of private property interests recognized 19

under divisions (C) and (D) of this section shall be held 20
inviolable, but subservient to the public welfare as provided in 21
Section 19 of Article I of the Constitution. 22

(C) A property owner has a property interest in the 23
reasonable use of the ground water underlying the property owner's 24
land. When that property interest is taken for public use, the 25
taking and compensation shall be made in accordance with Section 26
19 of Article I of the Constitution. 27

(D) An owner of riparian land has a property interest in the 28
reasonable use of the water in a lake or watercourse located on or 29
flowing through the owner's riparian land. When that property 30
interest is taken for public use, the taking and compensation 31
shall be made in accordance with Section 19 of Article I of the 32
Constitution. 33

(E) Ground water underlying privately owned land and 34
nonnavigable waters located on or flowing through privately owned 35
land shall not be held in trust by any governmental body. However, 36
the owner of such land voluntarily may convey to a governmental 37
body the owner's property interest held in the ground water 38
underlying the land or nonnavigable waters located on or flowing 39
through the land. 40

(F) Nothing in this section affects the application of the 41
public trust doctrine to the waters of Lake Erie and the other 42
navigable waters of the state. 43

(G) No other provision of the Constitution shall impair or 44
limit the rights established in this section. 45

EFFECTIVE DATE 46

If adopted by a majority of the electors voting on this 47
proposal, the enactment shall take effect January 1, 2009. 48