

As Reported by the House Rules and Reference Committee

127th General Assembly

Regular Session

2007-2008

Sub. 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, Buehrer, Fedor, Miller, R., Smith, Mason**

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 protection of the rights of Ohio's 15
property owners, the protection of Ohio's natural resources, and 16
the maintenance of the stability of Ohio's economy require the 17
recognition and protection of property interests in ground water, 18
lakes, and watercourses. 19

(B) The preservation of private property interests recognized 20
under divisions (C) and (D) of this section shall be held 21
inviolable, but subservient to the public welfare as provided in 22
Section 19 of Article I of the Constitution. 23

(C) A property owner has a property interest in the 24
reasonable use of the ground water underlying the property owner's 25
land. 26

(D) An owner of riparian land has a property interest in the 27
reasonable use of the water in a lake or watercourse located on or 28
flowing through the owner's riparian land. 29

(E) Ground water underlying privately owned land and 30
nonnavigable waters located on or flowing through privately owned 31
land shall not be held in trust by any governmental body. The 32
state, and a political subdivision to the extent authorized by 33
state law, may provide for the regulation of such waters. An owner 34
of land voluntarily may convey to a governmental body the owner's 35
property interest held in the ground water underlying the land or 36
nonnavigable waters located on or flowing through the land. 37

(F) Nothing in this section affects the application of the 39
public trust doctrine as it applies to Lake Erie or the navigable 40
waters of the state. 41

(G) No other provision of the Constitution shall impair or 42
limit the rights established in this section. 43

EFFECTIVE DATE 44

If adopted by a majority of the electors voting on this 45
proposal, the enactment shall take effect December 1, 2008. 46