

As Adopted by the Senate

**131st General Assembly
Regular Session
2015-2016**

Sub. H. J. R. No. 4

Representatives Smith, R., Curtin

**Cosponsors: Representatives Brown, Buchy, Derickson, Green, McColley,
Amstutz, Anielski, Blessing, Boose, Burkley, Butler, Conditt, Dever, Dovilla,
Ginter, Grossman, Hackett, Hagan, Hall, Hayes, Henne, Hill, Huffman,
Johnson, T., Koehler, Kraus, Landis, Maag, Manning, McClain, Perales,
Reineke, Retherford, Rezabek, Ryan, Schaffer, Scherer, Schuring, Sears,
Slaby, Sprague, Terhar, Thompson, Speaker Rosenberger
Senators Faber, Bacon, Balderson, Burke, Hite, Hottinger, Lehner, Peterson,
Uecker, Widener**

JOINT RESOLUTION

Proposing to amend Section 1e of Article II of the 1
Constitution of the State of Ohio to prohibit an 2
initiated constitutional amendment that would 3
grant a monopoly, oligopoly, or cartel, specify or 4
determine a tax rate, or confer a commercial 5
interest, right, or license to any person or 6
nonpublic entity. 7

Be it resolved by the General Assembly of the State of Ohio, 8
three-fifths of the members elected to each house concurring 9
herein, that there shall be submitted to the electors of the 10
state, in the manner prescribed by law at the general election to 11
be held on November 3, 2015, a proposal to amend Section 1e of 12
Article II of the Constitution of the State of Ohio to read as 13
follows: 14

ARTICLE II

Section 1e. (A) The powers defined herein as the "initiative" 15
and "referendum" shall not be used to pass a law authorizing any 16
classification of property for the purpose of levying different 17
rates of taxation thereon or of authorizing the levy of any single 18
tax on land or land values or land sites at a higher rate or by a 19
different rule than is or may be applied to improvements thereon 20
or to personal property. 21

(B)(1) Restraint of trade or commerce being injurious to this 22
state and its citizens, the power of the initiative shall not be 23
used to pass an amendment to this constitution that would grant or 24
create a monopoly, oligopoly, or cartel, specify or determine a 25
tax rate, or confer a commercial interest, commercial right, or 26
commercial license to any person, nonpublic entity, or group of 27
persons or nonpublic entities, or any combination thereof, however 28
organized, that is not then available to other similarly situated 29
persons or nonpublic entities. 30

(2) If a constitutional amendment proposed by initiative 31
petition is certified to appear on the ballot and, in the opinion 32
of the Ohio ballot board, the amendment would conflict with 33
division (B)(1) of this section, the board shall prescribe two 34
separate questions to appear on the ballot, as follows: 35

(a) The first question shall be as follows: 36

"Shall the petitioner, in violation of division (B)(1) of 37
Section 1e of Article II of the Ohio Constitution, be authorized 38
to initiate a constitutional amendment that grants or creates a 39
monopoly, oligopoly, or cartel, specifies or determines a tax 40
rate, or confers a commercial interest, commercial right, or 41
commercial license that is not available to other similarly 42
situated persons?" 43

(b) The second question shall describe the proposed constitutional amendment. 44
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(c) If both questions are approved or affirmed by a majority of the electors voting on them, then the constitutional amendment shall take effect. If only one question is approved or affirmed by a majority of the electors voting on it, then the constitutional amendment shall not take effect. 46
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(3) If, at the general election held on November 3, 2015, the electors approve a proposed constitutional amendment that conflicts with division (B)(1) of this section with regard to the creation of a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance, then notwithstanding any severability provision to the contrary, that entire proposed constitutional amendment shall not take effect. If, at any subsequent election, the electors approve a proposed constitutional amendment that was proposed by an initiative petition, that conflicts with division (B)(1) of this section, and that was not subject to the procedure described in division (B)(2) of this section, then notwithstanding any severability provision to the contrary, that entire proposed constitutional amendment shall not take effect. 51
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(C) The supreme court of Ohio shall have original, exclusive jurisdiction in any action that relates to this section. 65
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EFFECTIVE DATE AND REPEAL 67

If adopted by a majority of the electors voting on this proposal, Section 1e of Article II as amended by this proposal shall take immediate effect and existing Section 1e of Article II of the Constitution of the State of Ohio shall be repealed from that effective date. 68
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SCHEDULE 73

Division (B)(1) of Section 1e of Article II of the 74

Constitution of the State of Ohio, as amended by this proposal,	75
does not apply to any provision of the Constitution of the State	76
of Ohio in effect prior to the effective date of that amendment.	77