

**As Reported by the Senate Rules and Reference Committee**

**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**

---

**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  
classification of property for the purpose of levying different  
rates of taxation thereon or of authorizing the levy of any single  
tax on land or land values or land sites at a higher rate or by a  
different rule than is or may be applied to improvements thereon  
or to personal property.

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

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

(a) The first question shall be as follows:

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

(b) The second question shall describe the proposed  
constitutional amendment.

(c) If both questions are approved or affirmed by a majority

of the electors voting on them, then the constitutional amendment 47  
shall take effect. If only one question is approved or affirmed by 48  
a majority of the electors voting on it, then the constitutional 49  
amendment shall not take effect. 50

(3) If, at the general election held on November 3, 2015, the 51  
electors approve a proposed constitutional amendment that 52  
conflicts with division (B)(1) of this section with regard to the 53  
creation of a monopoly, oligopoly, or cartel for the sale, 54  
distribution, or other use of any federal Schedule I controlled 55  
substance, then notwithstanding any severability provision to the 56  
contrary, that entire proposed constitutional amendment shall not 57  
take effect. If, at any subsequent election, the electors approve 58  
a proposed constitutional amendment that was proposed by an 59  
initiative petition, that conflicts with division (B)(1) of this 60  
section, and that was not subject to the procedure described in 61  
division (B)(2) of this section, then notwithstanding any 62  
severability provision to the contrary, that entire proposed 63  
constitutional amendment shall not take effect. 64

(C) The supreme court of Ohio shall have original, exclusive 65  
jurisdiction in any action that relates to this section. 66

EFFECTIVE DATE AND REPEAL 67

If adopted by a majority of the electors voting on this 68  
proposal, Section 1e of Article II as amended by this proposal 69  
shall take immediate effect and existing Section 1e of Article II 70  
of the Constitution of the State of Ohio shall be repealed from 71  
that effective date. 72

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