

**As Reported by the Senate Finance and Financial Institutions
Committee**

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

H. J. R. No. 5

Representative Sears

Cosponsors: Representatives Hottinger, Peterson, Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Core, Driehaus, Evans, Flowers, Garrison, Gardner, Hagan, R., Hite, Jones, McGregor, R., Mecklenborg, Patton, Redfern, Schlichter, Stewart, D., Strahorn, Yates, Adams, Aslanides, Beatty, Blessing, Brady, Brinkman, Celeste, Collier, Combs, DeBose, DeGeeter, Dodd, Dolan, Domenick, Dyer, Fende, Foley, Gibbs, Goyal, Hagan, J., Harwood, Heard, Hughes, Letson, Luckie, Lundy, Mallory, McGregor, J., Newcomb, Oelslager, Raussen, Sayre, Schindel, Schneider, Setzer, Szollosi, Ujvagi, White, Williams, B., Yuko, Zehringer Senators Carey, Cafaro, Sawyer, Wagoner

JOINT RESOLUTION

Proposing to enact Section 2q of Article VIII of the 1
Constitution of the State of Ohio to authorize the 2
issuance of general and other obligations of the 3
state to pay the costs relating to environmental 4
and related conservation, preservation, and 5
revitalization purposes. 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 2q of 11

Article VIII of the Constitution of the State of Ohio to read as 12
follows: 13

ARTICLE VIII

Section 2g. (A) It is determined and confirmed that the 14
environmental and related conservation, preservation, and 15
revitalization purposes referred to in divisions (A)(1) and (2) of 16
this section, and provisions for them, are proper public purposes 17
of the state and local governmental entities and are necessary and 18
appropriate means to improve the quality of life and the general 19
and economic well-being of the people of this state; to better 20
ensure the public health, safety, and welfare; to protect water 21
and other natural resources; to provide for the conservation and 22
preservation of natural and open areas and farmlands, including by 23
making urban areas more desirable or suitable for development and 24
revitalization; to control, prevent, minimize, clean up, or 25
remediate certain contamination of or pollution from lands in the 26
state and water contamination or pollution; to provide for safe 27
and productive urban land use or reuse; to enhance the 28
availability, public use, and enjoyment of natural areas and 29
resources; and to create and preserve jobs and enhance employment 30
opportunities. Those purposes are: 31

(1) Conservation purposes, meaning conservation and 32
preservation of natural areas, open spaces, and farmlands and 33
other lands devoted to agriculture, including by acquiring land or 34
interests therein; provision of state and local park and 35
recreation facilities, and other actions that permit and enhance 36
the availability, public use, and enjoyment of natural areas and 37
open spaces in Ohio; and land, forest, water, and other natural 38
resource management projects; 39

(2) Revitalization purposes, meaning providing for and 40
enabling the environmentally safe and productive development and 41

use or reuse of publicly and privately owned lands, including 42
those within urban areas, by the remediation or clean up, or 43
planning and assessment for remediation or clean up, of 44
contamination, or addressing, by clearance, land acquisition or 45
assembly, infrastructure, or otherwise, that or other property 46
conditions or circumstances that may be deleterious to the public 47
health and safety and the environment and water and other natural 48
resources, or that preclude or inhibit environmentally sound or 49
economic use or reuse of the property. 50

(B) The General Assembly may provide by law, subject to the 51
limitations of and in accordance with this section, for the 52
issuance of bonds and other obligations of the state for the 53
purpose of paying costs of projects implementing those purposes. 54

(1) Not more than two hundred million dollars principal 55
amount of obligations issued under this section for conservation 56
purposes may be outstanding in accordance with their terms at any 57
one time. Not more than fifty million dollars principal amount of 58
those obligations, plus the principal amount of those obligations 59
that in any prior fiscal year could have been but were not issued 60
within the fifty-million-dollar fiscal year limit, may be issued 61
in any fiscal year. Those obligations shall be general obligations 62
of the state and the full faith and credit, revenue, and taxing 63
power of the state shall be pledged to the payment of debt service 64
on them as it becomes due, all as provided in this section. 65

(2) Not more than two hundred million dollars principal 66
amount of obligations issued under this section for revitalization 67
purposes may be outstanding in accordance with their terms at any 68
one time. Not more than fifty million dollars principal amount of 69
those obligations, plus the principal amount of those obligations 70
that in any prior fiscal year could have been but were not issued 71
within the fifty-million-dollar fiscal year limit, may be issued 72
in any fiscal year. Those obligations shall not be general 73

obligations of the state and the full faith and credit, revenue, 74
and taxing power of the state shall not be pledged to the payment 75
of debt service on them. Those obligations shall be secured by a 76
pledge of all or such portion of designated revenues and receipts 77
of the state as the General Assembly authorizes, including 78
receipts from designated taxes or excises, other state revenues 79
from sources other than state taxes or excises, such as from state 80
enterprise activities, and payments for or related to those 81
revitalization purposes made by or on behalf of local governmental 82
entities, responsible parties, or others. The general assembly 83
shall provide by law for prohibitions or restrictions on the 84
granting or lending of proceeds of obligations issued under 85
division (B)(2) of this section to parties to pay costs of cleanup 86
or remediation of contamination for which they are determined to 87
be responsible. 88

(C) For purposes of the full and timely payment of debt 89
service on state obligations authorized by this section, 90
appropriate provision shall be made or authorized by law for bond 91
retirement funds, for the sufficiency and appropriation of state 92
excises, taxes, and revenues pledged to the debt service on the 93
respective obligations, for which purpose, notwithstanding Section 94
22 of Article II of the Ohio Constitution, no further act of 95
appropriation shall be necessary, and for covenants to continue 96
the levy, collection, and application of sufficient state excises, 97
taxes, and revenues to the extent needed for those purposes. 98
Moneys referred to in Section 5a of Article XII of the Ohio 99
Constitution may not be pledged or used for the payment of debt 100
service on those obligations. 101

As used in this section, "debt service" means principal and 102
interest and other accreted amounts payable on the obligations 103
referred to. 104

(D)(1) Divisions (B) and (C) of this section shall be 105

implemented in the manner and to the extent provided by the 106
General Assembly by law, including provision for procedures for 107
incurring, refunding, retiring, and evidencing state obligations 108
issued pursuant to this section. Each state obligation issued 109
pursuant to this section shall mature no later than the 110
thirty-first day of December of the twenty-fifth calendar year 111
after its issuance, except that obligations issued to refund or 112
retire other obligations shall mature not later than the 113
thirty-first day of December of the twenty-fifth calendar year 114
after the year in which the original obligation to pay was issued 115
or entered into. 116

(2) In the case of the issuance of state obligations under 117
this section as bond anticipation notes, provision shall be made 118
by law or in the bond or note proceedings for the establishment, 119
and the maintenance during the period the notes are outstanding, 120
of special funds into which there shall be paid, from the sources 121
authorized for payment of the particular bonds anticipated, the 122
amount that would have been sufficient to pay the principal that 123
would have been payable on those bonds during that period if bonds 124
maturing serially in each year over the maximum period of maturity 125
referred to in division (D)(1) of this section had been issued 126
without the prior issuance of the notes. Those special funds and 127
investment income on them shall be used solely for the payment of 128
principal of those notes or of the bonds anticipated. 129

(E) In addition to projects undertaken by the state, the 130
state may participate or assist, by grants, loans, loan 131
guarantees, or contributions, in the financing of projects for 132
purposes referred to in this section that are undertaken by local 133
governmental entities or by others, including, but not limited to, 134
not-for-profit organizations, at the direction or authorization of 135
local governmental entities. Obligations of the state issued under 136
this section and the provisions for payment of debt service on 137

them, including any payments by local governmental entities, are 138
not subject to Sections 6 and 11 of Article XII of the Ohio 139
Constitution. Those obligations, and obligations of local 140
governmental entities issued for the public purposes referred to 141
in this section, and provisions for payment of debt service on 142
them, and the purposes and uses to which the proceeds of those 143
state or local obligations, or moneys from other sources, are to 144
be or may be applied, are not subject to Sections 4 and 6 of 145
Article VIII of the Ohio Constitution. 146

(F) The powers and authority granted or confirmed by and 147
under this section, and the determinations and confirmations in 148
this section, are independent of, in addition to, and not in 149
derogation of or a limitation on, powers, authority, 150
determinations, or confirmations under laws, charters, ordinances, 151
or resolutions, or by or under other provisions of the Ohio 152
Constitution including, without limitation, Section 36 of Article 153
II, Sections 2i, 2l, 2m, 2o, and 13 of Article VIII, and Articles 154
X and XVIII, and do not impair any previously adopted provision of 155
the Ohio Constitution or any law previously enacted by the General 156
Assembly. 157

(G) Obligations issued under this section, their transfer, 158
and the interest, interest equivalent, and other income or 159
accreted amounts on them, including any profit made on their sale, 160
exchange, or other disposition, shall at all times be free from 161
taxation within the state. 162

EFFECTIVE DATE 163

If adopted by a majority of the electors voting on this 164
proposal, the amendment shall take effect immediately. 165