



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Resolution Analysis

Amy L. Archer

### **H.J.R. 16**

132nd General Assembly  
(As Introduced)

**Reps.** Arndt and Patterson, Schuring, Reineke, Hill, Gavarone, Hambley, Manning, Hoops

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### **RESOLUTION SUMMARY**

- Proposes a constitutional amendment to permit the issuance of general obligation bonds to fund clean water improvements.
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### **CONTENT AND OPERATION**

#### **State bond authority for clean water improvements**

The constitutional amendment proposed by the resolution authorizes the General Assembly to provide by law for the issuance of bonds and other general obligations of the state to finance or assist in the financing of the cost of clean water improvements of municipal corporations, counties, townships, and other governmental entities designated by law. The clean water improvements include:

- Water treatment and waste water treatment systems;
- Water quality research;
- Reducing open lake disposal of dredged material into Lake Erie and other bodies of water;
- Supporting agricultural best management practices including water resource management, watershed restoration, and soil and water conservation; and
- Other sewer and water capital improvements.<sup>1</sup>

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<sup>1</sup> Proposed Article VIII, Section 2t(A) and (B), Ohio Constitution.

The state is authorized to participate in these clean water improvements by providing grants to the local subdivisions or other designated governmental entities.<sup>2</sup>

### **Amount of obligations; allocation of proceeds**

The proposed constitutional amendment limits the bond issuing authority to not more than \$1 billion. Not more than \$100 million principal amount of state general obligations may be issued in any one fiscal year. If annual limits are not reached, the amount not issued may be issued in a subsequent year and does not count towards that fiscal year's limit.

The proceeds of the obligations are to be allocated according to a watershed's proportion of phosphorous loading compared to the total amount of phosphorous loading in the state's watersheds, as determined by scientific assessments, provided that at least 50% is allocated to the various counties of the Western Lake Erie basin.<sup>3</sup>

### **Maturity of obligations**

Each issue of general obligations must mature in not more than 20 years from the date of issuance. If the obligations are issued to retire or refund other obligations, the obligations must mature within 20 years from the date the debt being retired or refunded was originally issued.

If general obligations are issued as notes in anticipation of the issuance of bonds, the General Assembly must provide for the establishment and maintenance, during the period in which the notes are outstanding, of one or more special funds into which are to be paid, from sources authorized for payment of the bonds, amounts that would have been sufficient, if bonds maturing within the permitted period of years had been issued without the prior issuance of notes, to pay the principal that would have been payable on the bonds during that period. The special funds may not be used for any purpose other than payment of principal of the notes or bonds for which the notes were issued.<sup>4</sup>

### **Debt service**

With respect to the state general obligations authorized by the proposed constitutional amendment, the full faith and credit, revenue, and taxing power of the state are pledged to the timely payment of the principal of, and the premium, interest,

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<sup>2</sup> Proposed Article VIII, Section 2t(F), Ohio Constitution.

<sup>3</sup> Proposed Article VIII, Section 2t(C), Ohio Constitution.

<sup>4</sup> Proposed Article VIII, Section 2t(D), Ohio Constitution.



and other accreted amounts payable on, the obligations (known as "debt service"). Accordingly, the General Assembly is required to provide by law for the sufficiency and appropriation of excises, taxes, and revenues pledged or committed to debt service and for covenants to continue the levy, collection, and application of sufficient excises, taxes, and revenues to the extent needed for purposes of paying debt service. The General Assembly is also required to establish a bond retirement fund. No further act of appropriation is necessary for these purposes.

Fees and taxes received in connection with the use of motor vehicles on public highways may not be pledged to the payment of debt service on the general obligations authorized under the amendment.<sup>5</sup>

### **Tax exemption**

As stated in the proposed constitutional amendment, the obligations, their transfer, and the interest or other income from the obligations, including any profit made on the sale, exchange, or other disposition of them, are at all times free from taxation within Ohio.<sup>6</sup>

### **Election and effective date**

The resolution provides that the proposed constitutional amendment will be submitted to the electors at the general election to be held on November 6, 2018. If approved by a majority of the electors voting on the proposal, the constitutional amendment will take effect immediately.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	05-09-18

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<sup>5</sup> Proposed Article VIII, Section 2t(E), Ohio Constitution.

<sup>6</sup> Proposed Article VIII, Section 2t(G), Ohio Constitution.

