



Ohio Government Digest

with
The Constitution of the State of Ohio

prepared for

Buckeye Girls State

2017



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Agnes S. Merritt

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BUCKEYE GIRLS' STATE

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with
The Constitution of the State of Ohio



OFFICIAL OHIO FLAG

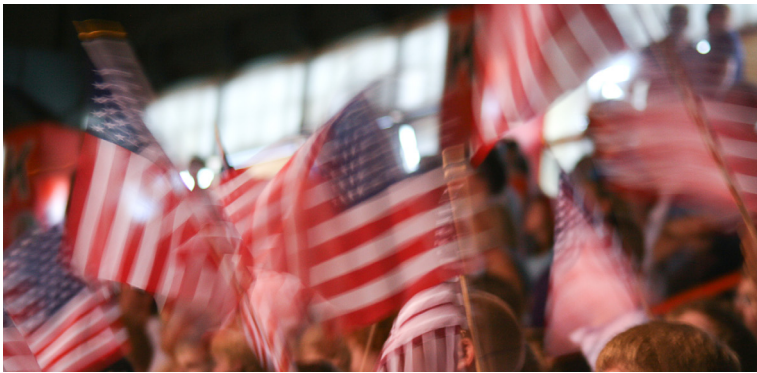


OFFICIAL GREAT SEAL OF THE STATE OF OHIO

“With God, All Things Are Possible”
STATE OF OHIO MOTTO

March 1 – Ohio Statehood Day
BIRD – Cardinal
FLOWER – Scarlet Carnation
TREE – Buckeye
GEM STONE – Ohio Flint
BEVERAGE – Tomato Juice
OFFICIAL SONG – Beautiful Ohio

INSECT – Lady Bug
ROCK SONG – Hang On Sloopy
FOSSIL – Isotelus
WILD FLOWER – Trillium
Grandflorium
APPLE – Melrose
ANIMAL – White Tailed Deer



The Preamble to the Constitution of the American Legion

“For God and Country
We associate ourselves together
For the following purposes:

To uphold and defend the constitution of the United State of America;
To maintain law and order;
To foster and perpetuate
A One hundred percent Americanism;
To preserve the memories and incidents
Of our association during the Great Wars;
To inculcate a sense of individual obligation
To the community, state and nation;
To combat the autocracy
Of both the classes and the masses;
To make right the master of might;
To promote peace and good will on earth;
To safeguard and transmit to posterity
The principles of Justice, Freedom, and Democracy;
To consecrate and sanctify our association
By our devotion to mutual helpfulness.”

ACKNOWLEDGMENT

Sincere thanks is expressed to The American Legion Department of Ohio and to the Buckeye Boys State Board of Trustees for their courtesy and generosity in allowing the use of “The Ohio Government in Brief” as the basis for the original issue of the “Ohio Government Digest.”

Grateful appreciation, too, is extended to the American Legion Auxiliary, to many friends, as well as to the numerous public officials who so willingly and patiently have cooperated and without whose understanding and sincere interest this book could not have been possible.

| | |
|---------------------------|--|
| February 29, 1948 | |
| Revised February 28, 1950 | (Mrs. Lester M.) Agnes S. Merritt |
| Revised January 12, 1952 | |
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DEDICATION

This revision of the “Ohio Government Digest” is dedicated to the memory of Agnes S. Merritt, a founder of Buckeye Girls’ State, who died on February 17, 1992. After her retirement from active participation in the Buckeye Girls’ State program, she continued, as the author, to up-date this reference book to ensure that current information about government in Ohio was available to the participants of both the American Legion Auxiliary Buckeye Girls’ State and the American Legion Buckeye Boys’ State. It is with this idea that we continue this legacy.

– Croft S. Merritt, deceased



I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.

The American's Creed

TYLER PAGE
(1917)

“I believe in the United State of America as a government of the people, by the people, for the people; whose just powers are derived from the consent of the governed; a democracy in a republic; a sovereign nation of many sovereign states; a perfect union, one and inseparable; established upon those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes.

I therefore believe it is my duty to my country to love it; support its constitution; to obey its laws; to respect its flag, and to defend it against all enemies.”



Forward

The American Legion Boys State program was initiated in Illinois in 1933, and three years later, Ohio's first Buckeye Boys State was held. The Girls State program of the American Legion Auxiliary materialized in 1938. But it wasn't until 1947 that the first Buckeye Girls State become an actuality with 304 Ohio high school juniors assembling at the Capital University in Columbus.

Enrollment at Buckeye Girls State is limited to young women who have been carefully selected with emphasis on their talents of leadership and scholarship.

"...To inculcate a sense of individual obligation to community, state and nation,..."

– Preamble to the Constitution of The American Legion and the American Legion Auxiliary

As a representative, you will gain a sense of that individual obligation. Through your participation, you will learn some of the intricacies and problems of government. As a citizen you

will enjoy certain rights and privileges as well as assume definite duties and responsibilities. These experiences will make you more mindful of the contribution women can and do make in the governmental process.

The American Legion Auxiliary sponsors this program with the intent to encourage and enlighten young women of the value and effect of good government.

"Law prevails with justice" and "Under the rule of the majority, minority rights are protected" these are but some of the tenets exercised within the state system and incorporated into the Girls State program.

Government in Ohio is a highly specialized and intricate business that serves all Ohioans at a very real cost to taxpayers. Learning effective and quantifiable methods will provide you with a basic understanding of our government system and explain how you can safeguard the rights and services of all Ohioans.

This "Ohio Government Digest", contains the Constitution of the United States of America, the Constitution of the State of Ohio, and an abbreviated outline of Ohio government. This is intended only as an initial reference and insight into the responsibilities of government. A more complete description can be found online at www.ohio.gov.

The practice and procedures used at Buckeye Girls State parallel the actual practices used in government. Modifications have been made to fit the scope of our program.

Even though the generic terminology appears throughout this text in the historic male form of reference, all references, with few exceptions, apply to both male and female citizens.

Enjoy, learn, and remember your participation in this dynamic program that few experience.

– Carol T. Robinson, Director

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Ohio State Government

In the United States, a state retains all powers of government except those specifically delegated to the federal.

According to the Ohio Revised Code, “State” means the state of Ohio or any department, division, commission, board, educational or other institution of the state of Ohio.

A state is one of fifty definite geographical units and its inhabitants, in matters over which partial or entire control has been released. Certain rights have been relinquished to the federal government such as levying duties, regulating interstate commerce, coining money, declaring war, etc.

Shortly after the formation of the United States of America and the successful conclusion of the Revolutionary War, Congress passed the Northwest Ordinance, also known as the Ordinance of 1787, to provide for the orderly development of the vast area west of Pennsylvania, north of the Ohio and east of the Mississippi to which the former original colonies had ceded their claims. Arthur St. Clair was appointed first territorial governor.

After setting forth many safeguards for the people, including the prohibition of slavery, the right of freedom of religious worship, and due process of law as provided in the national constitution, the Ordinance further provided that not less than three nor more than five states should be carved from this territory. Eventually Ohio, Indiana, Michigan, Illinois, Wisconsin, and part of Minnesota were created.

By 1802 Ohio had far more than the required 60,000 free male persons of voting age, and a constitutional convention was called with Edward Tiffin as president. After twenty-eight days, a constitution was approved on November 29, 1803, sent to Congress and was accepted. Ohio became the seventeenth state of the Union. When this constitution no longer seemed adequate, the second constitutional convention convened and after a year’s work drafted a new constitution which the people adopted in June, 1851. In 1874 a third constitution was drafted but it was rejected by the people. Still a fourth convention was held in 1912 but the people accepted only thirty-four of the forty-two provisions and these were incorporated in the Constitution of 1851 under which Ohio still functions. Since then, the Constitution has been further amended to provide for woman suffrage, prohibition and its repeal, county home rule, a ten-mill limitation on real estate taxation, exclusive use of the gasoline tax for highways, office type ballot as well as other modifications.

By a constitutionally required referendum vote at the general elections in 1932, 1952, and 1972 the electors rejected the calling of a convention to revise, alter or amend the constitution, but in 1953 adopted nine amendments, one in 1954, one in 1955, two in 1956, two in 1957, two in 1959, four in 1961, one in 1963, one in 1964, four in 1965, one in 1967, four in 1968, one in 1969, three in 1970, one in 1971, six in 1973, four in 1974, three in 1975, eight in 1976, one in 1977, six in 1978, one in 1980, one in 1981, one in 1982, one in 1985, one in 1987, one in 1989, two in 1993, two in 1995, two in 1999, one in 2000, one

in 2004, one in 2005, one in 2006, three in 2008 and two in 2009. In all, 108 of 205 proposed amendments have been adopted and incorporated into the body of the Constitution since 1913.

Ohio's growth has been rapid. Its 41,222 square miles has a population of 11,544,951 (2010 Federal Census) with 149 cities of over 10,000. The population of Columbus, the largest, was 787,033, Cleveland was 396,815, while Cincinnati was 296,943. Columbus is also physically the largest city with over 200 square miles.

The basic power of American government is in its citizenry. Public officials are the servants of the people and not their masters. People enjoy government by law rather than by the arbitrary acts of men. This was an underlying factor in the War of the Revolution and was also referred to in Lincoln's Gettysburg Address as "Government of the People, by the People, and for the People."

The Ohio Constitution is the basic law in Ohio. All statutes passed by the Legislature must conform to the Constitution but if there is any doubt, action may be brought in any court of record. Final decision as to constitutionality rests with the Supreme Court of Ohio. The constitution is the written instrument that provides for the electorate its method of government.

After stating its purpose in a brief preamble, the Constitution embodies the Bill of Rights.

The idea of such a Bill of Rights has a long and interesting history beginning with the signing of the Magna Charta by King John in 1215, the action of the British Parliament in 1688, and the first ten amendments to the federal constitution. These rights are accepted as inherent to each individual. Government must assure each person this protection.

Among the guarantees of the Ohio Bill of Rights are that: all persons are free and independent; they have the right to enjoy life and liberty; they have the right to own private property; all political power is reserved to the people; people may assemble peaceably for the common good to instruct their representatives and to petition the General Assembly; people have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; the General Assembly shall pass no laws providing a man's mode of worship religious preference; Writ of Habeas Corpus shall not be suspended; all people are entitled to a prompt trial by a jury; a person cannot be put in jeopardy twice for the same offense; no person shall be imprisoned except upon the conviction of a crime; no person shall be required to testify against himself; conviction does not cause the convicted person's property to be turned over to the State; only in case of fraud shall a person be imprisoned for debt; officers cannot search a home without a proper warrant; only the General Assembly has the power to suspend the laws; the military shall be subordinate to the civil authority; a standing army is prohibited in peace time; private property cannot be taken for public use without just payment to the owner; and people retain all powers not otherwise delegated.

The Constitution of Ohio, as does the United States Federal Constitution, provides for a government with three branches: the Legislative or General Assembly, composed of the Senate and the House of Representatives; the Execu-

tive, consisting of the Governor, the other elected state officials, the Cabinet, Departments, and various Boards, Commissions, Bureaus and Committees; and the Judicial consisting of the courts. By the Constitution, as well as by statute and custom, each branch exercises certain checks and balances on the other two. Furthermore, the State exercises certain controls over the counties, townships and municipalities as well as other districts.

The business of government is carried on in the offices and institutions throughout the state. In the capital city of Columbus alone, the State owns the Capitol Building and its Annex, Governor's Residence, Thomas J. Moyer Judicial Center, Department of Transportation Building, Department of Public Safety Building, numerous prison and youth services centers, Ohio State Highway Garage, Workers Compensation Building, State School for the Blind, State School for the Deaf, The Ohio State University, Columbus State Community College, Rhodes Tower, Vern Riffe Center for Government and the Arts, Ohio Historical and Archaeological Museum, Ohio State Exposition Grounds, Bureau of Employment Services Building, Bureau of Motor Vehicles, Armories, Buckeye Youth Center, Training Institution Central Ohio, Columbus Developmental Center, Central Ohio Psychiatric Hospital, Ohio Bindery, and rents office and storage space in many privately owned buildings.

Ohio's fiscal year begins on July 1.

For further information regarding Ohio government consult the Ohio Constitution, the Ohio Revised Code, the Ohio State Reports of Supreme Court Decisions, and the Secretary of State Roster.

Legislative

Ohio's legislative history dates back to the time of the organization of the Northwest Territory when Congress appointed a governor, a secretary and three judges with power to publish laws until the Territory had five thousand free males of voting age. The territory would then be entitled to a General Assembly consisting of a House of Representatives elected by the people, and a Legislative Council of five members. The Legislative Council was to be appointed by the President of the United States from a list of ten names submitted to him by this House of Representatives.

The first laws created a system of courts, established a militia, defined crimes and set punishments, and regulated marriages. In 1795, the first code (Maxwell's Code), modeled somewhat on the laws of Massachusetts and Pennsylvania, was adopted.

In 1798 when the Territory had the required population, the people elected representatives. The following February, the House was organized in Cincinnati, and then ten people were nominated for Council. The President designated the five to serve. The following year Congress moved the seat of government to Chillicothe.

At present under Article II, Section I of the Ohio Constitution, the legislative power of the state is vested in a *General Assembly* consisting of a *Senate* and a *House of Representatives*, which meet in their respective chambers in the state capitol of Columbus.

Powers Reserved to the People

Constitution of the State of Ohio reserves certain rights to the people when determining laws. These “*powers reserved to the people*” are as follows:

A. The right to propose to the General Assembly laws and amendments to the constitution and to adopt or reject the same at the polls.

B. The right to adopt or reject any law, section of any law, or any item in any law appropriating money passed by the General Assembly (with some exceptions).

C. The right to propose, independently of the General Assembly, amendments to the Constitution and to adopt or reject the same at the polls.

The powers enumerated above are exercised by means of either the *Initiative* or the *Referendum*.

Initiative

Under the use of the initiative power, the people may:

A. Propose amendments to the Constitution;

B. Propose laws to the General Assembly.

In order for the people to propose an amendment to the state Constitution there must be filed with the Secretary of State a petition, setting forth the full text of the proposed amendment. This petition must be signed by qualified electors equal to not less than 10% of the total votes cast in the last election for Governor, with at least half of the signatures equally divided among 44 counties. The Secretary of State then determines whether all who have signed such petitions are qualified electors and whether there is the required number of signatures. If it is determined that the petitions are in order, the Secretary is required to submit the proposed amendment to the people, for approval or rejection, at the next regular or general election to occur ninety days after the filing of the petition. If a majority of the votes are in favor of the amendment, it becomes a part of the Constitution.

Note: The people amended the Constitution of Ohio by this method in 1933. A petition was filed proposing to amend Article XII, Section 2 (Taxation by Uniform Rule) reducing the rate from 1.5 percent to one percent. The question submitted to the electors at the November election of that year was approved and became effective January 1, 1934. In 1949, Art. V, Section 2a established the office type ballot by a similar procedure.

When it is desired to propose a law to the General Assembly, a petition setting forth the full text of the law and signed by qualified electors equal to not less than 3% of the votes cast in the last election for Governor, with at least half of the signatures from 44 counties, must be filed with the Secretary of State not less than 10 days before the convening of the General Assembly.

Article II, Section 1b of the Constitution of the State of Ohio states in part:

“If the proposed law shall be passed by the General Assembly, either as petitioned for or in an amended form, or if no action

shall be taken thereon within four months from the time it is received by the General Assembly, it shall be submitted by the Secretary of State to the electors for their approval or rejection at the next regular or general election, if such submission shall be demanded by supplementary petition...signed by not less than three per cent of the electors in addition to those signing the original petition which supplementary petition must be signed and filed with the Secretary of State within ninety days after the proposed law shall have been rejected by the General Assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the General Assembly, shall have been filed by the Governor in the office of the Secretary of State.”

Note: The former “Old Age Pension Law” was a case of the people writing a law into the Ohio statutes by initiative petition. The people proposed this law to the 90th General Assembly. When the General Assembly convened in January 1933, the proposed law was filed by the Secretary of State with the House of Representatives and was known as House Bill 1 – By Initiative Petition. It was passed by the House and sent to the Senate where it was amended. The House and Senate were not able to agree to the amendments by the time the General Assembly adjourned “sine die” and it therefore failed to pass. The proponents of the bill circulated and filed supplementary petitions, and the proposed law was submitted to the electors at the November election in 1933. It was approved by a majority of the electors, and became law.

The law authorizing the sale of colored oleomargarine in the fall of 1994 had a similar history.

Referendum

Under the power of a “referendum”, the people may approve or reject any law, section of law, or any item of law appropriating money passed by the General Assembly. In order to submit the question to the electors, a petition signed by qualified electors equal to not less than 6% of the votes cast in the last election for Governor must be filed with the Secretary of State within 90 days after such law has been filed with the Secretary of State. The Secretary of State, when he has verified the petition, is required to submit the question to the electors at the next regular or general election occurring subsequent to 60 days after the petition is filed.

The only exceptions to the referendum provisions of the Constitution are laws providing for tax levies, appropriations for the current expenses of state government, and emergency laws, all of which go into effect immediately. Emergency laws require a two-thirds affirmative vote by the members of the General Assembly.

All other laws do not go into effect until ninety days after they have been filed by the Governor with the Secretary of State in order to allow for the people to exercise these reserved powers.

The Constitution limits the subject matter upon which the General Assembly may enact laws and provides that the same limitation shall apply to the power of the people to enact laws. An example of a 2011 referendum vote was Senate Bill 5.

Apportionment

“Apportionment” is the process used to determine the legislative districts of members of the General Assembly and members of Congress. The first apportionment of the state occurred in 1802 and was dramatically changed in 1965. Apportionment is done every ten years, based on the last decennial census. The Apportionment Board consists of the Governor, Auditor of State, Secretary of State, one person chosen by the Speaker of the House of Representatives and the leader of the Senate of the same political party of the Speaker, and one person chosen by the leaders of the political party of which the Speaker is not a member. A majority of them determines representation.

The 2002 reapportionment (see Art. XI) continued a 99 member House and a 33 member Senate. Each legislator is elected from a single member district. Combing three contiguous house districts creates a senate district.

Qualifications and Election

Representatives to the General Assembly are elected every two years, in the even numbered years, with their terms commencing on January 1st after the election. No person shall hold the office of state representative for more than four consecutive terms. No person shall hold the office of a state senator for more than two consecutive two-year terms. Terms are considered consecutive unless they are separated by a period of four or more years. Candidates must be U.S. citizens, at least eighteen years of age, and must have resided in the district one year preceding the next election, unless they have been absent on public business of the United States, or the State of Ohio. No person holding office under the authority of the United States, or any remunerative office under the authority of the state of Ohio is eligible to have a seat in the General Assembly. Notaries public, officers of the militia, and officers of a political party are exempt from this provision.

Vacancies shall be filled by election by the members of each house of the same political party. If the vacancy occurs within the first twenty months of a Senate term, the selection shall be temporary and an election will be held in the even-numbered year.

Each house of the General Assembly shall be the judge of the qualifications and election of its members.

Sessions and Organization

The General Assembly meets for a biennial period divided into two annual regular sessions. The first regular session commences on the first Monday in January of the odd-numbered year, unless that day is a holiday, in which case session would commence of the next day. The second session commences on the same day of the following year. Law sets the hour of convening at 1:30 p.m. for the Senate, and 2:00 p.m. for the House of Representatives. All sessions are opened with a prayer.

In the House of Representatives

At the appointed time, the *Speaker of the House* during the previous biennium, or in his absence the *Speaker Pro Tempore*, shall call the Representatives-elect to order and appoint one of them Clerk Pro Tempore. The Representatives-elect, upon being called in numerical order by district, present their certificates of election and take the oath of office.

If a quorum is present, the House then proceeds to the election of statutory personnel – Speaker, Speaker Pro Tempore, Majority Floor Leader, Assistant Majority Floor Leader, Majority Whip, Assistant Majority Whip, Minority Leader, Assistant Minority Leader, Minority Whip, Assistant Minority Whip, Chief Administrative Officer, Clerk, and Sergeant-at-arms.

The person elected Speaker is in a very powerful position, because the Speaker determines the membership of House committees.

In the Senate

At the appointed time, the *President of the Senate* during the preceding biennium, or in his absence or inability to serve, the *President Pro Tempore*, a senator designated by party caucus, presides at the beginning of the first regular session. The senatorial districts are called in numerical order, senators-elect present their certificates of election, and take the oath of office.

If a quorum is present, the senate elects a President, President Pro Tempore, Assistant President Pro Tempore, Majority Whip, Minority Leader, Assistant Minority Leader, Minority Whip, Assistant Minority Whip and statutory personnel – the Clerk and Sergeant-at-arms as in the House.

The members make nominations for these various offices and the officers are elected by a majority vote by roll call. In case a choice is not made for any particular office on or before the tenth roll call, the law provides that the person then receiving the highest number of votes shall be declared elected.

NOTE: This law was enacted in 1854 to prevent a recurrence of the organizational troubles in the 47th and 48th General Assemblies when 121 roll calls were held before one member switched his vote to elect a clerk, and 301 votes were cast to elect a Speaker, which was then the title of the presiding officer of the Senate.

NOTE: It might be well to interpolate that the organization is not really all affected on the first day of the session, as it appears to be. Actually, at some time between the regular election in November and the day of convening the session in January, it is customary for the members-elect of each house to hold political party caucuses. At this time, the leaders and officers are selected and the organization is really agreed upon. The majority party determines the policy and procedures in each house. Although this is unofficial, members generally follow the decisions of the caucus and when matters come before the house on opening day for official action, vote accordingly.

In the Senate, the leader of the majority party (usually the President of the

Senate) offers resolutions, naming a bipartisan Committee on Committees. The committee determines what the various standing committees shall be. The President of the Senate and the Speaker of the House make all appointments to standing and select committees.



All employees of the House and Senate, unless otherwise specified, are in office during the biennium after having been designated by formal resolution. When both houses have organized, they are ready to proceed to routine legislative matters. At this time, each house sends a message to the other, informing each other of the organization. A concurrent resolution is adopted by both houses providing for a committee to wait upon the Governor to inform him that the General Assembly is in session, is organized and is ready to receive any messages he elects to transmit.

NOTE: In actual practice, the Chief Administrative Officer, Clerk of the House, Clerk of the Senate, assistant clerks, Sergeant-at-arms, and other employees of the House and Senate named by the Speaker of the House or the President of the Senate, are nominated by a resolution by a member of that house and are usually elected by unanimous vote.

In the session following a general election in which statewide officeholders are elected (Governor, Lieutenant Governor, Secretary of State, Auditor, Attorney General and Treasurer), the first real business to come before the Legislature during the first week is slated in the Constitution Article III, Section 3. (As applicable.)

“The returns of every election for the officers, named in the foregoing section, shall be sealed and transmitted to the seat of government, by the returning officers, directed to the president of the Senate, who, during the first week of the next regular session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the General Assembly. The joint candidates having the highest number of votes cast for governor and lieutenant governor and the person having the highest number of votes for any other office shall be declared duly elected; but if any two or more have an equal and the highest number of votes for the same office or officers, one of them or any two for whom joint votes were cast for governor and lieutenant governor, shall be chosen by joint vote of both houses.”

At the hour set for the convening of the joint convention to canvass votes, the Senate, preceded by its officers, repairs to the Hall of the House of Representatives and is received by the House. Thereupon, the President of the Senate takes the chair and calls the joint convention to order. He announces that more than a quorum of the Senate is present; the Speaker of the House announces that more than a quorum of the House is present, and without objection, a roll call of the two houses is dispensed with. The presiding officer then reads a recapitulation of the votes cast at the preceding November election for each Constitutional State Official, elected at that time. This recapitulation has been prepared by the Secretary of State and eliminates a long drawn out procedure of opening and

tabulating the abstracts of each county that have been mailed to the President of the Senate and thus saves much time. Having read the recapitulation, the President of the Senate declares that “The following persons, having received the highest number of votes cast at the election held November ____, 20__, are hereby declared duly elected to the offices of _____.” Thereupon, such person is officially elected to assume that office.

If the retiring Governor has expressed a desire to deliver a message to the General Assembly on the affairs of the State, the convention remains in session and a committee is named to escort the Governor to the Hall of the House, otherwise, the joint convention is dissolved on motion of any member and the Senate returns to the Senate Chamber.

Rules of legislative procedure are adopted each session in each house by resolution.

In 1953, a complete re-codification of all Ohio laws known as the *Revised Code of Ohio* was adopted. This culminated six years of intensive work by the Bureau of Code Revision and superseded the Ohio General Code.

Resolutions

Resolutions are legislative vehicles used to express the opinions or wishes of the General Assembly and do not require the Governor’s approval. There are three types of resolutions: simple, joint, and concurrent.

Simple Resolutions are the most commonly offered and require only the approval of the chamber in which they are introduced. These resolutions are not filed with the Ohio Secretary of State. Simple resolutions may deal with the organization, appointments, and officers of their respective chamber, as well as request that specific studies be performed. They are also offered to commend or recognize certain persons, groups, or events, and to offer condolences to the families of former members.

Joint resolutions are used to ratify proposed amendments to the U.S. Constitution, to ask for a federal constitutional convention, or to fulfill a customary practice like proposing to amend the Ohio Constitution. The Ohio Revised Code may also require their use. After the approval of both the House and Senate, joint resolutions must be filed with the Ohio Secretary of State.

Concurrent resolutions are often used for joint procedural matters, as well as to ask the General Assembly to invalidate administrative and/or court rules, or to ask the U.S. Congress to support or oppose issues before them on behalf of the Ohio General Assembly. The Ohio Revised Code or Ohio Constitution may require their use, and they may also be used to express both chambers’ commendation or recognition of people, organizations, etc. While these resolutions do not need to be filed with the Ohio Secretary of State, they do require the approval of both houses.

Investigation or Study committees may be appointed by resolution of one house or by concurrent or joint resolution of both houses. These fact-finding bodies report their findings either in the form of a bill or by a detailed report to either the House or Senate, or to both, according to how they are created.

Bills

A Bill, the means by which laws are enacted, may originate in either house, but may be altered, amended or rejected by the other house. Before passage, each house shall consider each bill on three different days, unless this requirement is suspended by two-thirds of members elected to the house in which it is pending (Art. II, Sec. 15).

Every bill passed by the General Assembly shall, before it becomes law, be presented to the Governor for his approval. If he approves, he shall sign it and thereupon it shall become a law and be filed with the Secretary of State. If he does not approve it, he shall return it with his objections in writing to the House in which it originated, which shall enter the objections at large upon its Journal, and may then reconsider the vote on its passage. (This is called the “Veto”.) If three-fifths of the members elected to that house vote to re-pass the bill, it shall be sent with the objections of the Governor, to the other house, which may also reconsider the vote on its passage. If three-fifths of the members elected to that house vote to re-pass the bill, it shall become law notwithstanding the objections of the Governor, except that in no case shall a bill be re-passed by a smaller vote than required by the Constitution on its original passage. Some bills, such as emergency laws, require favorable action by two-thirds of the members elected.

If a bill is not returned by the Governor within ten days, Sunday excepted, after being presented to him, it shall become a law in like manner as if it had been signed, unless the General Assembly, by adjournment, prevents its return; in which case it shall become law unless, within ten days after such adjournment, it shall be filed by him, with his objections in writing in the office of the Secretary of State. (Note: In order to overcome this last provision of the Constitution on vetoed bills, the General Assembly, after the last days of passing bills and their delivery to the Governor, sometimes waits for a ten day period before adjourning sine die so that they can return in session and reconsider any vetoed bills.)

Each bill may deal with only one subject as stated in the title (this prevents “log rolling”). Retroactive measures are forbidden.

A bill may be initiated by any individual member of the General Assembly or may be given to him by some individual or organization for introduction. All bills, either to amend or repeal existing law, or to provide for the enactment of a new law, are required to have 6 copies submitted in the House and 5 copies in the Senate. The clerk of either house will accept no bill for filing unless it has been presented by a member of that house and has been approved as to form by the Legislative Service Commission.

Bills are introduced by filing the requisite number of copies with the Clerk, at least one hour before the next convening of the body. The Clerk reads the bills, in the order received.

For the second reading of the bill, the procedure is different in the two houses.

After the first reading of a bill in the House it is referred to the “Rules and Reference Committee.” This Committee studies the bill and determines whether it is

identical to any other bill before the House, or if it can be used as an amendment to some other bill, and to which standing committee it should be referred. The Rules and Reference Committee then reports its recommendation to the House and the bill is referred, unless there is objection from the floor. The bill referral constitutes the second reading of the bill. The Clerk, upon the second reading of a bill, delivers it to the chairman of the committee to which it has been referred.

A bill, introduced one day in the Senate, is laid over until the next legislative day when it comes up on the calendar for second reading. It is again read by title only. It is referred by the president to the Reference Committee for referral to an appropriate committee.

After a bill has been referred to a committee in either house, the chairman of that committee sets a date and hour for a hearing at which the bill will be discussed by the committee. At this hearing and in subsequent hearings, proponents, opponents, and interested parties of the bill are allowed to present their views publicly. It is here that legislative agents (lobbyists) and representatives of lay organization, or individual citizens, can exert real legislative influence. Legislative agents must register and file expense statements.

The committee may amend or revise the bill in any manner it sees fit. If after discussion, a majority of the members feel it has merit, it is reported back to the house in which it is pending with the recommendations of the committee. If no action is taken, the bill may die in committee without any public record of a vote being taken. It is in the standing committees of the two houses that the real work of legislating takes place. If a majority of a committee feels that a bill should not be enacted into law, it may never reach the floor for a vote. If, however, a majority of the members of either house feels that the committee has taken an arbitrary or unfair attitude with reference to a particular bill in refusing to report it out, they can relieve the committee and bring the bill directly before the house for action.

The bill, if reported out of committee, is referred to the Rules and Reference Committee in the House or the Rules Committee in the Senate. This committee determines when the bill shall come up for a house vote. It is read for a third time by title only and the question is then, "Shall the bill pass?" The sponsor of the bill addresses the house and gives his arguments for the enactment of the bill into law. Any other member may discuss the bill either pro or con. Amendments to the bill may also be considered at this time. Bills can be informally passed, referred back to committee or postponed indefinitely. Amendments can be "laid on the table", where they "die" without a vote being recorded. After discussion is completed, the roll is called and if the bill receives a constitutional majority of the members elected it is declared passed.

When a bill has been passed by the house in which it originated it is sent with a message to the other house where the same procedure is followed.

If a bill is amended in either house, it must be sent back to the house of its origin for concurrence. If one or both houses do not accept amendments the bill is referred to a Conference Committee composed of both Senators and Representatives in order to attempt to reconcile the differences. If no agreement is reached the bill is lost. If the Conference Committee reaches an agreement, then both houses must agree to that committee's report. If both houses approve of a conference report, the bill follows the regular procedure.

If the bill passes both the House and the Senate, it is ready for signing after checking by the Enrollment Clerk and reprinting. It is signed first by the Speaker of the House and then by the President of the Senate. The Clerk of the Senate holds the bill until it is picked up by the Governor for consideration.

According to the Constitution, the proceedings of both the House and Senate are open to the public, except in cases, which in the opinion of two-thirds of the members present, require secrecy.

In the 124th General Assembly, only 250 bills became effective, out of a combined total of 992 bills introduced. With the adjournment of the General Assembly sine die, all pending legislation “dies.”

Committees

The 126th General Assembly has the following “standing committees”:

In the House, 19: *Agriculture and Natural Resources; Civil and Commercial Law; Commerce and Labor; Criminal Justice; Economic Development and Environment; Education (Alternative Education Subcommittee); Elections and Ethics; Finance and Appropriation (Agriculture and Development Subcommittee, Higher Education Subcommittee Education Subcommittee, Human Services Subcommittee, and Transportation and Justice Subcommittee); Financial Institutions, Real Estate and Securities; Human Services Subcommittee, Primary and Secondary; Health (Children’s Health Care and Family Services Subcommittee and Aging Subcommittee); Insurance; Judiciary; Juvenile and Family Law; Local and Municipal Government and Urban Revitalization; Public Utilities and Energy; Rules and Reference; State Government; Transportation, Public Safety, and Homeland Security; Ways and Means.*

In the Senate, 13: *Agriculture; Education; Energy and Public Utilities; Environment and Natural Resources; Finance and Financial Institutions; Health, Human Services, and Aging; Highways and Transportation; Insurance, Commerce and Labor; Judiciary - Civil Justice; Judiciary - Criminal Justice; Reference; Rules; State and Local Government and Veterans Affairs; Ways and Means and Economic Development.*

Of these, the Rules and Reference Committee of the House and Rules Committee of the Senate, although they hold no public hearings nor enact any bills as such, are the most powerful in their legislative influence. Often “life or death” of a bill can be settled by the majority of members on these committees.

In 1953 the 14-member Ohio Legislative Service Commission (seven from each house) was created to take over the functions of the former Legislative Research Commission, Bureau of Code Revision, and Ohio Program Commission. The Commission performs bill drafting, research, code revising, budget reviewing, and may conduct studies on any subject requested by the General Assembly. In 1981 the Legislative Service Commission also assumed the duties of the former Legislative Reference Bureau. These duties include commentary drafting in resolution and letterform. During 2003-2004 biennium, the Commission staff drafted 3,538 bills, prepared 2,159 bill analyses, and completed 4,494 research requests for individual legislators.

A joint legislative ethics committee has been established consisting of twelve members, six from each of the two major political parties. Six members shall be appointed by the speaker of the House, not more than three from the same political party, and six appointed by the president of the Senate, not more than three from the same political party.

Adjournment

Neither house shall, without the consent of the other, adjourn for more than five days, Sundays excluded, nor to any other place than that in which the two houses are in session. (Art. II, Sec. 14, the Ohio Constitution).

The legislature may recess or, if its work is completed, adjourn “sine die” (without day), so that there are no more sessions during its term of office unless called into special session by the Governor, or by the presiding officers of the General Assembly chosen by the members thereof, acting jointly by proclamation. Unless convened by the leaders, only those items may be considered for which it is called.

In case of disagreement between the two houses, in respect to the time of adjournment, the Governor has the power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof. (Art. III, Sec. 9, the Ohio Constitution).

Executive

Elected Officials

The executive officials of the State as provided by the Constitution are the Governor, Lieutenant Governor, Attorney General, Auditor of State, Secretary of State, and Treasurer of State. They are nominated by political parties at a primary election and are elected at the general election held in alternate even-numbered years, by direct vote of the electors of the State and hold their office for four years. Their terms of office commence the second Monday of January and continue until their successors are elected and qualified.

No person may hold the office of governor, lieutenant governor, secretary of state, treasurer of state, attorney general, or auditor of state for a period longer than two successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1995 shall be considered in determining the eligibility to hold the office of lieutenant governor, secretary of state, treasurer of state, attorney general, or auditor of state. The governor is elected to a four-year term jointly with the lieutenant governor.

Governor

The *Governor* is the chief executive officer chosen by the electors for a term of four years and cannot hold office for a period longer than two successive terms of four years each. In the words of the Ohio Constitution, “The supreme executive power of this state shall be vested in the Governor.” The Lieutenant Governor, President of the Senate, and Speaker of the House of Representatives shall succeed the Governor, respectively, in the event of death, resignation or impeachment.

The powers and duties of the Governor as established by the Constitution and statute are numerous. Among the more important are:

- to see that the laws are faithfully executed and enforced.
- to require information in writing from the officers of the executive department upon any subject relating to the duties of their respective department.
- to communicate to the General assembly by message at every session the condition of the state, and recommend such measures as he shall deem expedient.
- to convene extraordinary sessions of the General Assembly by proclamation and determine the business to be transacted thereat.
- to adjourn the General Assembly in case of disagreement between the two houses, in respect to the time and date of adjournment.
- to act as Commander-in-Chief of the military forces of the State.
- to grant reprieves, commutations and pardons.

The appointive powers of the Governor are extensive, including not only the heads of twenty-two departments but also the Adjutant General, members of most boards and commissions provided by statute, and some heads of division within the departments. In some instances, the advice and consent of the Senate is required. The Governor is also able to appoint people to vacancies of State elected offices, judgeships and the State Board of Education until the next regularly scheduled election.

The Governor has established the *Ohio Homeland Security Task Force* to provide guidance to governmental agencies and the public for security within the State of Ohio. The *Director of Public Safety* heads this task force.

As the Commander-in-Chief, the Governor has the ability to call out the militia and enforce the laws of the State. He may command the militia to suppress insurrection, repel an invasion, and act in the event of a disaster within the state.

He may bring removal action against local elected officials such as mayors, sheriffs, and prosecutors, for misconduct in office.

Acting under the Constitution of the United States, federal statutes, and the Uniform Criminal Extradition Act, the Governor issues and receives requests for interstate return of fugitives from justice. Action of the Governor in denying the request of another state demanding the return of a fugitive cannot be reviewed by the courts.

The Governor has many other duties in relation with the State Legislature. He is responsible for submitting a detailed budget to the Legislature and keeping a register of all bills. He has the right of legislative veto, including line item veto on appropriation bills; however, he has no pocket veto power.

Other duties of the Governor is the responsibility for keeping the Great Seal of the State of Ohio and an official state flag.

Lieutenant Governor

The office of *Lieutenant Governor* was created by a Constitutional amendment in 1851. The lieutenant governor succeeds to the Office of Governor in the event the death, conviction on impeachment, resignation, or disability of the Governor. The Lieutenant Governor is elected jointly with the governor for a four-year term; is a member of the governor's cabinet, presiding in the governor's absence; and is deputy commander-in-chief of state military forces, except when such forces are called into the service of the United States. The governor may appoint the lieutenant governor as an administrative department head.

Attorney General

The Attorney General is the chief legal officer for the State of Ohio chosen by the electors for a term of four years and cannot hold office for a period longer than two successive terms of four years. The Attorney General provides a variety of legal services. He serves as legal counsel to the Governor, statewide elected officials, the Ohio General Assembly, all state departments, agencies, boards and commissions, and is responsible for providing legal representation, defending them in legal matters, and initiating litigation on their behalf. The Attorney General also issues formal legal opinions on questions submitted by elected statewide officials, the legislature, directors of various state agencies and departments, and the 88 county prosecutors. The Attorney General serves as chair of the Organized Crime Investigations Commission and is a member of the State Board of Deposits, State Records Commission and Ohio Public Facilities Commission. The Attorney General operates the office through an executive staff that oversees the activities of an administrative section and legal and law enforcement sections. These sections include:

Antitrust: The Antitrust Section enforces state and federal antitrust law; in so doing, it works to protect a competitive marketplace where businesses do not hold illegal power over their customers or their competitors. Additionally, this section operates the Antitrust Review Program, which seeks to protect taxpayers from anti-competitive activity in public projects.

Appeals: The Appeals Section represents the state of Ohio and its agencies on appeals in the U.S. Supreme Court, the U.S. Court of Appeals for the Sixth Circuit and the Ohio Supreme Court. The section handles a wide range of cases, from civil rights to election disputes to criminal law and more. Headed by the Ohio Solicitor General, this section determines the cases in which the state of Ohio will seek U.S. or Ohio Supreme Court review and the positions the state will take before those courts. The Solicitor General and deputy solicitors prepare the petitions, briefs and other papers filed by the state on appeal. They also regularly participate in oral arguments before those courts.

Bureau of Criminal Identification and Investigation: The Bureau of Criminal Identification and Investigation, known as BCI, helps police departments and county sheriffs across the state by providing key support services free of charge. BCI staff members analyze DNA samples to help catch criminals and solve cold cases. Police agencies around the state frequently ask for BCI investigators to assist at crime scenes and draw on the Bureau's expertise in growing criminal

problems, such as cyber crime. BCI field agents are always on call to respond to crime scenes and assist local law enforcement agencies with their investigations. Additionally, BCI is home to the state's Automated Fingerprint Identification System (AFIS), which contains the prints of millions along with their corresponding criminal histories, and the electronic Sex Offender Registration and Notification (eSORN) database, among other resources.

Business Counsel: The Business Counsel Section of the Ohio Attorney General's Office specializes in the preparation and review of contracts, RFPs, leases, deeds, and other business and real property transactions for the Attorney General's Office and various state agencies and subdivisions. We address and counsel clients on a wide range of issues that impact their daily operations and planning. Business Counsel also reviews most state construction contracts and all contracts executed on behalf of the Attorney General's Office. The section is also available to assist state agencies and Assistant Attorney Generals with transactional matters upon request.

Charitable Law: The Charitable Law Section is committed to honoring the important role of non-profits in Ohio. Oversight is critical: One of the section's most important tasks is to make sure that funds are used for charitable purposes, not private interests. This duty, rooted in common law and reinforced through many statutory provisions, is one of the Attorney General's oldest responsibilities. Additional responsibilities include licensing non-profit organizations that raise money through bingo and enforcing regulations related to charitable gaming. The section reviews non-profit transactions and is a required party in many probate actions involving charitable bequests. The section also investigates charities, sometimes in partnership with local law enforcement, and represents the Attorney General in civil litigation to recover funds that should have been spent on charitable purposes or to stop individuals from fraudulently collecting money from the public. The Charitable Law Section trains non-profit leaders in spotting or preventing problems so they can focus on the charitable activities that strengthen our communities. Additionally, the section provides counsel for the Ohio Racing Commission and represents the Ohio Liquor Control Commission in administrative hearings and appellate matters involving alleged violations of the state's liquor laws.

Civil Rights: The Civil Rights Section in the Office of the Ohio Attorney General represents the Ohio Civil Rights Commission in its mission of protecting equal opportunity and eliminating unlawful discrimination in employment, places of public accommodations, housing, credit and institutions of higher education. Unlawful discrimination under the Ohio Revised Code includes discrimination based on certain "protected classes." Protected classes may include factors such as race, color, national origin, religion, disability, age, familial status and military status. The Civil Rights Section of the Attorney General's Office litigates discrimination cases on behalf of the Commission. The Attorney General's Office does not represent the person making the allegation of discrimination.

Collection Enforcement and Revenue Recovery: The Attorney General's Office is responsible for collecting outstanding debt owed to the state of Ohio—everything from past due book fines at state libraries to unpaid corporate income taxes. The Collections Enforcement and Revenue Recovery Sections make that happen. Revenue Recovery collects debt by working with private debt collection

agencies or contacting debtors directly to try to get them to pay or otherwise resolve their debts to the state.

Constitutional Offices: The Constitutional Offices Section is legal counsel for the state’s elected officials: the Governor, Secretary of State, Auditor, Treasurer, Ohio Supreme Court and General Assembly, as well as other state agencies such as the Inspector General, Ohio Elections Commission and Office of Budget and Management and others. Through its Public Records Unit, the section publishes “Ohio Sunshine Laws: An Open Government Resource Manual,” and provides statutorily-required open government training for elected officials. The section also provides guidance to public officials regarding registration of sex offenders under the Adam Walsh Act.

Consumer Protection: The Consumer Protection Section protects Ohioans from predatory and illegal business practices. With authority granted by the Ohio Consumer Sales Practices Act and other statutes, the section enforces laws that prohibit unfair and deceptive practices including but not limited to: false advertising, shoddy workmanship, and failure to perform services or to deliver goods. Consumer Protection works to protect Ohio consumers by conducting local and state investigations and by joining multi-state and federal investigations. Through cooperating with federal and other state authorities, the section has achieved landmark settlements and won millions of dollars in civil penalties and restitution for Ohioans. To further assist consumers and businesses, the section also provides consumer education, business education and a free complaint resolution process to resolve disputes among consumers, businesses and non-profit organizations.

Court of Claims Defense: The Ohio Attorney General’s Court of Claims Defense Section represents the state of Ohio in the Ohio Court of Claims, Tenth District Court of Appeals and the Ohio Supreme Court. The types of cases vary widely but often involve premises liability, construction, intentional tort, negligence, medical malpractice, property loss or damage, employment discrimination, breach of contract, defamation, personal injury, and wrongful death and imprisonment claims. The Construction Litigation Group (CLG) is housed within the Court of Claims Defense Section. It is a one-stop shop for matters related to the state of Ohio’s many construction projects. The CLG attorneys serve government entities that contract to private companies by offering day-to-day advice, prosecution of defective design and construction claims and defense against injunctions filed by disappointed bidders.

Crime Victims Assistance and Prevention: Victims of violent crime such as rape, assault, murder, kidnapping, and domestic violence, face many setbacks as a result of their tragic and unexpected circumstances. The Attorney General’s Crime Victims Assistance and Prevention (CVAP) Section offers services to aid victims, trainings for professionals who work with victims and crime prevention programs for Ohio communities which include: victim compensation, the Sexual Assault Forensic Exam (SAFE) program, Missing Children’s Clearinghouse, ID Theft Passport program, domestic violence data collection, Cut It Out program, Victim Information and Notification Everyday (VINE) system, Elder Abuse Commission, online safety training, victims assistance providers grants and education programs.

Criminal Justice: The Criminal Justice Section is composed of four units: The Special Prosecutions Unit is composed of career prosecutors who, at the request of county prosecutors, prosecute serious felony crimes throughout Ohio. The unit may be appointed by the court to serve as a special prosecutor when the county prosecutor has a conflict of interest or may assist a county prosecutor when he requests additional resources. Areas of focus include homicides, child sex offenses, white collar crime, and alleged wrongdoing by public officials. The Capital Crimes Unit works to uphold lawfully imposed death sentences. This generally includes many years of litigation in the federal courts opposing challenges brought by inmates who claim that their death sentences were improper. The Unit provides assistance to county prosecutors at the trial level in death penalty cases, when requested, and also participates with the county prosecutor in responding to clemency requests prior to execution. The Habeas Unit works to keep dangerous criminals in prison by opposing litigation brought by inmates who seek to overturn valid convictions and prison sentences. The Corrections Unit represents the Ohio Department of Rehabilitation and Correction and Department of Youth Services; it defends these departments and their employees against lawsuits brought by inmates.

Education: The Education Section of the Ohio Attorney General's Office provides legal services and representation to the state's public education clients. These clients include Ohio's 13 universities, one medical college and 23 community and technical colleges. This section also provides legal representation for the State Board of Education and its administrative unit, the Ohio Department of Education. Other clients include the State Board of Career Colleges, the Ohio Association of Community Colleges, the Ohio Appalachian Center for Higher Education, eTech and fiscal emergency commissions for financially-challenged school districts.

Employment: The Employment Law Section provides legal advice and representation about terms and conditions of employment to all state departments, agencies, bureaus, elected officials, public colleges and universities and their officers and employees. The section's attorneys defend clients in state and federal courts against allegations of discrimination on the basis of race, color, sex, religion, age, national origin and disability. They represent clients in civil service appeals brought before the State Personnel Board of Review and in civil rights complaints brought before the Ohio Civil Rights Commission. One of the section's primary, day-to-day duties is providing advice to clients about complying with a vast array of state and federal laws. Such laws include the Family and Medical Leave Act, the Americans with Disabilities Act and the Fair Labor Standards Act.

Environmental Enforcement: The Environmental Enforcement Section (EES) represents the state agencies that oversee the use of Ohio's natural resources, such as the Ohio Environmental Protection Agency and the Ohio Department of Natural Resources. The section's litigation includes enforcing regulatory requirements, defending administrative and rule making actions, appealing federal rule making and, in the case of the Department of Natural Resources, defense of litigation filed against the department and its staff. In addition to its civil and administrative litigation, EES conducts criminal investigations and prosecutions.

Executive Agencies: The Executive Agencies Section represents Ohio's Departments of Administrative Services, Agriculture, Commerce, Development and Public Safety in addition to numerous boards and commissions that have regulatory, policy making and licensing functions. These agencies encompass a wide range of regulatory functions focused on businesses and professional and occupational license holders. The section also represents Ohio's five public pension funds, and thus is involved with a wide variety of public pension issues. Executive Agencies is an active litigation section, and handles many types of cases — administrative, mandamus, declaratory judgment and also actions in federal court. The attorneys of the section also routinely advise state boards, commissions and agencies in matters of regulatory enforcement, pension eligibility, public records, open meetings and ethics.

Health and Human Services: The Health and Human Services Section represents close to 35 state agencies and regulatory boards. These include the Ohio Department of Aging, Department of Health, Department of Job and Family Services and health-related professional licensing boards such as the Medical, Dental, Pharmacy and Nursing boards. The section deals with a wide array of matters concerning public health as well as the services that the government provides to Ohioans. These include issues relating to Medicaid, food stamps, adoption, unemployment and many other services.

Health Care Fraud: The Attorney General's Office targets fraud in the health care industry through the Medicaid Fraud Control and the Workers' Compensation Fraud units. Medicaid Fraud Control investigates and prosecutes health care providers who defraud the state's Medicaid program. They enforce Ohio laws protecting mentally or physically disabled or elderly citizens from neglect and abuse in long-term care facilities. Workers' Compensation Fraud prosecutes claimants, employers or health care providers who defraud the Ohio Workers' Compensation Program.

Labor Relations: The Labor Relations Section enforces Ohio's prevailing wage and minimum wage laws and provides legal representation to the State Employment Relations Board and the State Personnel Board of Review. Additionally, this section leads the office's worker misclassification initiative, which seeks to ensure that workers are properly classified as either employees, who typically receive benefits, or independent contractors, who typically do not.

Legal Services: The Ohio Attorney General is legal counsel to Ohio's numerous state agencies, departments, boards, commissions, colleges, universities and public retirement systems. The legal needs of these state clients are vast and vary in complexity and area of expertise. In some instances, the Attorney General appoints private-sector attorneys as special counsel to assist with those cases. The Legal Services Section oversees the administration of special counsel contracts.

Ohio Organized Crime Investigations Commission: The Ohio Organized Crime Investigations Commission supports local law enforcement in the investigation of organized criminal activity through the creation of task forces. The Commission provides logistical and technical assistance to these task forces, as well as the authority to conduct investigations.

Opinions: The Opinions Section of the Attorney General's Office provides writ-

ten opinions on legal questions in response to requests from the office's clients. These clients are: the agencies, departments and officers of state government; county prosecuting attorneys and law directors of home rule townships; and the Ohio House and Senate, when requested by resolution.

Ohio Peace Officer Training Academy: The Ohio Peace Officer Training Academy offers programs to meet the needs of Ohio's law enforcement professionals and the communities they serve. The academy trains nearly 10,000 law enforcement professionals each year in service areas such as firearms, crime scene forensics, vehicle operations and legal issues. OPOTA is overseen by the Ohio Peace Officer Training Commission. The nine-member commission issues recommendations to the Attorney General about matters pertaining to law enforcement training. Commission members serve three-year terms and are appointed by the Governor, with the advice and consent of the Ohio Senate. The Commission must consist of two incumbent sheriffs, two incumbent chiefs of police, a representative of the general public, a member of the Ohio State Highway Patrol, a special agent-in-charge of one of Ohio's Federal Bureau of Investigation field offices, a representative of the Attorney General's Bureau of Criminal Identification and Investigation and a representative of the Ohio Department of Education.

Public Utilities: The Public Utilities Section represents the Public Utilities Commission of Ohio in matters relating to telephones, electricity, natural gas, motor carrier transportation, hazardous material transportation, railroads and water. The section, in cooperation with the Attorney General's Environmental Enforcement Section, also represents the Ohio Power Siting Board, which reviews and approves plans for new energy facilities in Ohio.

Taxation: The Taxation Section of the Ohio Attorney General's Office represents the Tax Commissioner, who leads the Ohio Department of Taxation. As such, it primarily defends challenges to tax assessments made by the tax commissioner and to the state's 21 different state taxes.

Tobacco Enforcement: The Tobacco Enforcement Section has three primary responsibilities: 1) to enforce the 1998 Master Settlement Agreement between the settling states and the participating tobacco manufacturers; 2) to provide all legal advice to major recipients of Ohio tobacco settlement dollars, including the Southern Ohio Agricultural and Community Development Foundation and the Third Frontier Foundation; and 3) to provide legal services to the Ohio Department of Health in enforcing the state's indoor smoking ban.

Transportation: The Transportation Section provides a wide variety of legal services to the Ohio Department of Transportation, which manages public highways and oversees federal public transportation funding, among other duties. This section also provides counsel and representation to the Ohio Rail Development Commission (ORDC), which regulates rail service. Section attorneys provide legal advice in connection with the acquisition of real estate for highway projects and represent ODOT in eminent domain cases. They also represent ODOT in a variety of administrative hearings and appeals, including cases dealing with outdoor advertising permits and construction contractor qualifications.

Workers Compensation: The Workers' Compensation Section provides legal

counsel to the Ohio Bureau of Workers' Compensation and the Industrial Commission of Ohio. Most cases handled by attorneys in this section are appeals of workers' compensation claims filed in county common pleas courts.

Auditor of State

The *Auditor of State* is the constitutional officer responsible for auditing all public offices in Ohio, more than 5,600 entities including cities, villages, schools, state universities, counties, public libraries, townships and state agencies, boards, and commissions. The office strives, through financial audits of public entities, to ensure that public funds are spent appropriately and lawfully, in accordance with state and local law.

AUDIT DIVISION: is managed by the chief deputy auditor, and is made up of several smaller sections including the Financial Audit Group, the Fraud and Investigative Audit Group, the Local Government Services Section, the Performance Audit Section, and the Audit Administration and Support Group. The Auditor of State's Office employs more than 800 auditors located in eight regional offices in addition to the main office in Columbus. Regional offices include Canton/Akron, Cincinnati, Cleveland, Columbus, Dayton, Athens, Toledo, and Youngstown. Additionally, the state region, located in Columbus, audits state agencies, boards, and commissions. A chief auditor, who oversees the audits performed by the office within their region, manages each regional office.

FINANCIAL AUDIT GROUP: is responsible for conducting financial audits of all public entities as required under Ohio law. The Financial Audit Group staff is headquartered out of the eight regional offices, but spends most of their time in the field at local audit sites. Auditors review methods, accuracy, and legality of the accounts; financial reports; records; and files of all public entities.

LOCAL GOVERNMENT SERVICES SECTION (LGS): is housed within the Audit Division and serves as a consulting and fiscal advisory group to all governmental agencies and subdivisions, providing a variety of services including preparation and examination of financial forecasts, GAAP conversion assistance, annual financial report preparation, assistance to entities in fiscal watch or emergency, reconstruction and reconciliation of financial records. The Open Government Unit, serves local officials by providing training and resources to help them better understand their obligations under the Ohio Public Records Act and the Ohio Open Meetings Act.

PERFORMANCE AUDIT SERVICES SECTION: identifies and helps correct inefficient managerial operations and waste of taxpayer dollars in addition to providing general oversight and assistance to ensure efficient operation of public offices.

SPECIAL INVESTIGATIONS UNIT: is involved in the collection, review and decision making processes involving complaints of a criminal nature. The unit's objective is to reduce and recover the loss of public funds from theft, embezzlement or fraud by prioritizing those cases that constitute criminal conduct.

LEGAL DIVISION: is primarily responsible for providing legal advice to field auditors, assisting in determinations of whether or not the entity being audited is complying with all applicable laws. The legal staff can also help public of-

fices prospectively comply with state and federal requirements. The Auditor of State's investigative staff is also under the management of the Legal Division. The chief of investigations as well as the assistant chief legal counsel work closely with the Special Investigations Unit in an effort to aggressively root out fraud and public corruption.

ADMINISTRATION DIVISION: is the managing arm of the Ohio Auditor of State's Office and is responsible for the day-to-day management and policy decisions of the office. It is made up of several smaller sections including Field Operations; Human Resources and Recruitment; Information Technology including the Uniform Accounting Network; Legislative Affairs; and Public Affairs.

Secretary of State

The *Secretary of State* has a variety of responsibilities, most of which are organized under three divisions: *Elections*, *Business Services*, and *Voter Education*. From 1802 to 1851, the Secretary of State was elected by joint ballot of the two houses of the General Assembly for a three-year term. Under the 1851 Constitution, the Secretary of State is chosen by popular election of the people. The term of office was two years until changed by constitutional amendment in 1954 to four years. The Secretary of State is now term-limited to two consecutive four-year terms. The Secretary is required to file a \$100,000 bond, which must be approved by the Governor, Auditor of State and Attorney General and is filed with the Director of Administrative Services.

ELECTIONS

The Secretary of State is the chief elections officer of the state, responsible for appointing members of the board of elections in each of the 88 counties and providing oversight to the boards. In the case of a tie vote among county board of election members, it is the Secretary of State's duty to cast the deciding vote on the issue in question.

All declarations of candidacy and nomination petitions for state officials are filed with the Secretary of State's office. This office canvasses the votes cast, and issues certificates of election to all elected state officials, United States Senators, Representatives to Congress, delegates and alternates to national political conventions, Presidential electors, members of the State Board of Education, and all state issues. The Secretary of State also issues commissions to elected state and county officials, and to the judges of appellate, common pleas, municipal and county courts. The county boards of elections certify to the Ohio Department of Liquor Control the result of elections held on questions of local liquor options.

The Secretary of State serves as secretary to the Electoral College; chairs the Ohio Ballot Board, which writes the ballot language for all statewide ballot issues; approves all election forms, including those for official ballots, nominating petitions, declarations of candidacy, for initiative and referendum petitions, and certifies to the boards of elections the text of laws and constitutional amendments proposed by initiative petition, laws referred to the people by referendum petition and constitutional amendments proposed by the General Assembly, and for advertising in each county of the state.

The *Board of Voting Machine Examiners* is appointed at the beginning of the Secretary of State's term and serves for the term of the Secretary of State. Whenever voting equipment is presented for approval, the Board ensures sure

that it will work properly.

The Election Laws of Ohio are very specific and designed to regulate proper nominations of candidates to all elective offices; to give each qualified elector the right to vote and the assurance of an honest count and tabulation; in brief, to assure the citizenry that officials are elected in an orderly manner. Lack of space here prevents extended detailed discussion, but the following should be helpful in clarifying a few basic facts:

ELECTION-RELATED TERMS and DEFINITIONS:

GENERAL ELECTIONS: held on the first Tuesday after the first Monday in November.

REGULAR MUNICIPAL ELECTIONS: at the General Election in odd-numbered years.

REGULAR STATE ELECTIONS: at the General Election in the even-numbered years.

PRIMARY OR PRIMARY ELECTION: held on the first Tuesday after the first Monday in May each year to nominate candidates for political parties for election to office to be voted at the next succeeding general election and for electing members of controlling committees of political parties and delegates and alternates to party conventions in the proper even-numbered years. In presidential election years, the primary is held on the third Tuesday in March.

SPECIAL ELECTION: any election other than a general or primary election held on the first Tuesday after the first Monday in February, May or August. (It may be held, however, on the day of a general or primary election.) It may also be held on a day authorized by a charter for holding a special election. In presidential election years, a special election will not be held in February or May.

ELECTOR OR QUALIFIED ELECTOR: must be a citizen of the United States, 18 years of age or over, a resident of the state 30 days prior to an election, and registered to vote in Ohio at least 30 days before an election. Additionally, a 17-year-old may vote at a primary for nominees, provided that the individual will be 18 years of age on or before the next general election.

Any qualified elector who has moved out of Ohio within 90 days prior to a presidential election and has not registered in another state, may vote by absentee ballot for president and vice-president in the precinct in which his or her voting residence was located, as long as their absentee ballot request is received at least 30 days prior to the election.

CITIZENSHIP AND FRANCHISE: the United States Constitution confers citizenship in the United States and the state of residence, but the state grants the right of franchise. This right of franchise may be upon any term except that there may be no discrimination between citizens of the state because of race, color, sex, or previous condition of servitude.

VOTER: an elector who votes.

PRECINCT: an election district within a county established by the county

board of elections, within which all qualified electors having a voting residence vote at the same polling place. There shall be no more than 1,400 electors in a precinct. A precinct is the smallest political division. In 2004, Ohio had 11,571 election precincts.

POLLING PLACE: a place provided for each precinct where the electors of that precinct may vote. The county board of elections must appoint at least four Precinct Election Officials for each precinct with not more than one half belonging to the same political party. Precinct officials must be registered voters of Ohio and residents of the county in which the precinct is located.

POLITICAL PARTY: any group of voters which at the last preceding general state election, polled for its candidate for governor or nominees for presidential electors at least five percent of the entire vote cast for such office; or which filed with the secretary of state a petition signed by qualified electors equal to at least one percent of the total votes cast for governor or presidential electors' nominees at the last preceding election, declaring intention of organizing a political party, and of participating in the next succeeding primary in even-numbered years, more than 120 days later. When any political party fails to cast five percent of the total vote cast at an election for the office of governor or president, it shall cease to be a political party.

NOMINATIONS: Party candidates' names will be placed upon a primary ballot by filing a declaration of candidacy stating the party affiliation and office sought, and with a petition containing the requisite number of signatures together with the filing fee, not later than the 75th day before the day of the primary election, or if it is a presidential primary election, not later than the 60th day before the presidential primary election. The candidates receiving the highest number of votes at the primary election are the respective party candidates whose names will appear with appropriate party designation on the ballot at the general election.

A person may file a nominating petition and request the designation of "independent" on the ballot. The request must be in writing and filed with the office where the petition is filed. The names of independent candidates appear only on the general election ballot.

MARKING BALLOTS: the procedure varies according to voting equipment. A cross mark must be placed before the name of a candidate to indicate a vote for that candidate on paper ballots. A button is pushed to select a candidate on an electronic voting machine, such as a touch screen.

The names of all candidates for a general election to judicial office, state board of education, municipal or township offices not nominated at a primary election and municipal offices so provided for by charter appear on "Official Non-partisan Ballot." Note: In cases of the judicial ballot, nominees run on a partisan ballot in the primary election, but on a non-partisan ballot in the general election.

A voter may write in a name on the ballot in the space provided, if such a write-in candidate has filed a declaration of intent at least 50 days prior to election and paid the filing fee.

POLL BOOK: each elector writes his or her name and address in a poll book before being permitted to vote at the voter's assigned polling place.

VOTE COUNTING: done by the precinct officials who enter the results in the poll books and forwards the returns to the board of elections. The precinct officials prepare summary sheets for each precinct if counting is done at the precinct. One copy is posted at the precinct and one is forwarded to the board of elections.

COUNTY BOARD OF ELECTIONS: controls all election arrangements, using a four-member bipartisan board in each county. They are appointed by the Secretary of State upon the recommendation of the two parties that cast the highest and next highest vote for governor at the preceding election. On March 1st in the even-numbered years, two members are appointed for four-year terms. The board executes the election laws of the state, making physical arrangements for all elections. The board shall appoint judges in each precinct. Precinct and county election officials are paid from the budget of the board of elections, which comes from the general fund of the county.

ABSENTEE VOTING: provided to any registered voter who requests that their board of elections issue them a ballot by mailing one to their home address or another residence that the voter requests. It is not necessary for the voter to state a reason for their voting absence.

Armed forces absentee voters' ballots are available to any person serving in the armed forces of the United States, his or her spouse and dependents upon application to the appropriate county board of elections. Armed forces absentee voters are not required to register to vote prior to an election.

CAMPAIGN FINANCE REPORTING: campaign related financial activity must be reported. Candidate campaign committees, political parties, political action committees and other entities must disclose campaign finance contributions and expenditures. The reports are made under penalty of election falsification, including verifying cancelled checks or paid receipts, and are filed on designated dates during an election and twice in off-election years.

POLITICAL PARTY ORGANIZATION

In general, government in the United States operates on a two-party system. Ohio law provides that parties hold primary elections for the purpose of nominating party candidates for the general election. In this government by parties, the voter has the opportunity to express his or her party choice at the primary.

Ohio election laws provide for the election of the controlling committees of each political party at the primary election held in the even-numbered years. There are two such controlling committees: a county central committee and a state central committee.

The county central committee may be elected in one of two ways: (1) one member from each election precinct of the county; (2) one member from each ward in each city and from each township in the county. The outgoing committee determines which of the two methods shall be used. The elected county central committee is the smallest unit in the party is the foundation and source of strength of the party, and the direct contact between the party and the voter. Usually a person is appointed to assist the elected precinct official. If the elected official

is a man, a woman is named; if a woman, a man is named to serve as assistant.

The State Central Committee of each major political party is comprised of two members, one man and one woman, from each Ohio Senate district in the state. The State Central Committee of each intermediate political party (a political party which received less than 20 percent, but more than 10 percent of the total votes cast for governor or president) is comprised of two members, one man and one woman, from each congressional district in the state.

Each of these controlling committees must meet within six to 15 days after their election for the purpose of organizing. Each has an executive committee, a chairman, vice chairman, treasurer, secretary, and such other officers as party rules provide.

One of the important powers of the executive committee is to recommend a qualified elector to the Secretary of State for appointment as member of the county board of elections. This is done 15 to 60 days before the term of the outgoing member expires.

If a county officer, officer-elect, or nominee for county office resigns, withdraws or dies, the county central committee of his or her political party may appoint a replacement to fill the vacancy under specific legal provisions. This is done not less than five, or more than 15 days, after the vacancy occurs.

There is also a national committee of each party.

BUSINESS SERVICES

The Business Services division of the Secretary of State's office is organized into two operational sections: Corporations and Uniform Commercial Code (UCC). These sections are responsible for recording business filings, as well as secured party financing statements. The duties of these sections are further described below.

CORPORATIONS: The general corporation laws of Ohio require all corporations, both for profit or nonprofit, to file articles of incorporation in the office of the Secretary of State. Subsequent amendments to the articles, such as changes in the number of authorized shares of stock, must also be filed with the office. Foreign corporations doing business with the state must apply to the Secretary of State for a license. If the license application is in order, the Secretary of State grants the foreign corporation the authority to transact business in Ohio.

The Corporations section also receives foreign and domestic limited liability company filings, foreign and domestic limited partnerships filings and foreign and domestic limited liability partnership filings.

The Corporations section receives the filing of trade names, trademarks, service marks, and marks of ownership, as well as certain mortgages, such as those upon railway rolling stock.

UNIFORM COMMERCIAL CODE: Chapter 1309 of the Revised Code designates the Secretary of State's office as the central filing agency for all secured transactions where collateral involved other than farm equipment, fixtures or

consumer goods. The Uniform Commercial Code requires that financing statements be filed with the Secretary of state to perfect a security interest in business loans where the collateral involved is either equipment, accounts receivable or other collateral not specifically excepted. The Uniform Commercial Code provides for the filing of continuation statements, which renew financing statements that have a statutory life of five years, assignments and partial releases of collateral, and termination statements.

VOTER EDUCATION

As Ohio continued to make strides toward a complete statewide overhaul of voting technology in 2005, educating the public about how to use the new machines was a top priority. With 44 of Ohio's 88 counties upgrading voting technology to either new electronic or optical scan voting technology, the Secretary's office made sure complete and substantial voter education resources were available to each county. To assist in the education process, the office created and offered instructional brochure templates and live in-person demonstrations on how to use the new machines to each county. The office also offered the ability for county boards of elections to link to the www.YourVoteCountsOhio.com website which featured how-to internet videos in several formats, downloadable brochures specific to each county, and an interactive video demonstration. In addition, training videos were produced for the counties to help instruct poll workers on how to set-up, open and close the polls on Election Day. The office also made public service announcements available to the counties to help publicize the new voting equipment

MISCELLANEOUS DUTIES

The Secretary of State has the following additional duties:

- Serves as the secretary of the state's Sinking Fund Commission, which provides for paying state bonds.
- Bonds of all elected state officials (except his/her own), of certain state employees, and those of notaries public who are attorneys are filed in this office.
- Licenses ministers to perform marriages in Ohio.
- The regulations and rules of all state departments, boards, and commission are filed in the office. The actual filing is a prerequisite to the legality of the regulations and none, except emergency rules and regulations adopted by any agency, are effective before the 10th day after such filing.
- Preserves the Seal of the Secretary of State and affixes it to certain papers of official character.
- Countersigns commission, pardons, and extradition papers issued by the Governor.
- Is the custodian of all laws and resolutions passed by the General Assembly, as well as the official journal of the Senate and House. Laws, except emergency measures, tax levies, or appropriation acts, become effective 90 days after being filed with the Secretary of State.
- Compiles, prints and distributes Ohio laws. Should the Governor veto a bill after adjournment of the General Assembly, the vetoed bill, together with the written objections thereto must be filed with the Secretary of State.

When officially advised by the Director of the U.S. Census of the result of the federal census, the Secretary of State compiles the Federal Census Report, a

statistical tabulation setting forth the population of the state, classified by counties, cities, villages and minor civil divisions. He also issues a proclamation addressed to the mayor of each municipal corporation officially classifying such municipality as city or a village. Certification of the population of the counties is also made and forwarded to each county auditor, county clerk, and to the director of the county board of elections. This certification is used in computing the compensation of certain county officials that is based on population.

The Secretary of State is a member of the five-member state board that is responsible for apportionment of the state for members of the General Assembly. The other members are the Governor, Auditor of State and one member chosen by each of the two major parties in the legislature.

Treasurer of State

The Treasurer of State (TOS) is a constitutional officer elected to a four-year term and cannot hold office for a period longer than two successive terms of four years each. The duties are to collect, invest, and protect state funds and to serve as custodian of the public's money; manages the state's investment and lottery portfolios; and collects various state taxes, court fees, and fines. This office is an effective, limited partner with local public funds managers, small businesses, local government officials, and banks.

The Treasurer's Office employs approximately 160 people and has an annual operating budget of approximately \$14.8 million. The office's total budget is approximately \$71.3 million, which includes non-operational appropriations for tax refunds, subsidies to the state's pension systems, and debt service and related costs.

AGENCY GOALS

- Manage the state's regular account and lottery portfolios of over a combined \$5.0 billion and serve as custodian of both moneys in the state treasury and certain moneys that are held, by law, in the custody of the Treasurer outside the state treasury.
- Ensure that sufficient cash is on hand to allow the state to make necessary payments.
- Structure the state's regular account to emphasize safety and ensure liquidity levels necessary to meet the state's obligations, with consideration of economic and financial market conditions.

AGENCY SERVICES / ACTIVITIES

The Treasurer's Office manages the state's investment portfolio by investing available funds in a variety of financial instruments under statutory guidance provided by the legislature and further restricted by investment policy. The office safeguards the funds of five public pension systems and operates the Linked Deposit programs, which helps farmers, small businesses, and disabled Ohioans obtain low-cost loans. The Treasurer also manages the Star Ohio fund, which pools the investments of schools and political subdivisions to provide superior safety and return; the BidOhio program, which allows Ohio banks to competitively bid on interim state moneys via the Internet; and the Securities Lending program, which generates income by loaning securities on a short-

term basis to selected brokerage firms and financial institutions for a fee. The Treasurer's Office also provides continuing financial education for Ohio public funds managers and general financial literacy programs for Ohio citizens.

The Treasurer's Office is also a major Ohio debt issuer, and the State Treasurer chairs the State Board of Deposit. In addition to these duties, the Auditor of State is empowered to audit the treasury of the state of Ohio, without previous notice, when the Auditor determines that it is necessary.

Cabinet Offices - Executive Branch

The following Executive Branch department heads are appointed by the Governor serve on the governor's cabinet, subject to Senate confirmation, holding office during the term of the appointing governor but subject to removal at his pleasure;

Ohio Adjutant General, Director of Administrative Services, Director of Aging, Director of Agriculture, (Chancellor of the Board of Regents*), Administrator/CEO of Bureau of Workers' Compensation, Director of Commerce, (Director of Consumers Counsel*), Director of Development Services, Director of Developmental Disabilities, (Superintendent of Education*), Director of the Environmental Protection Agency, (General Manager of Ohio Expositions*), Director of Health, (Executive Director of the Industrial Commission*), Ohio Inspector General, Director of Insurance, Director of Job and Family Services, Director of the Lottery Commission, Director of Mental Health & Addiction Services, Director of Natural Resources, Director of the Office of Budget and Management, Director of Public Safety, (Administrator of Public Utilities Commission*), Director of Rehabilitation and Correction, Executive Director of Rehabilitation Services, Tax Commissioner, Director of Transportation, Director of Veterans Services, Director of Youth Services.

* These are offices that are appointed by a commission. At Buckeye Girls state these positions are appointed by the Governor. The Superintendent of Education is appointed by Buckeye Girls State City of Government.

The *Lieutenant Governor* also serves as a member of the cabinet.

Adjutant General's Department

The *Adjutant General's Department* was formed soon after Ohio became a state in 1803. It provided military organization of the militia, retaining the historic precedent of the citizen soldier responding to the call of the colony for common protection. The department operates under the Ohio Code of Military Justice in line with the federal Uniform Code of Military Justice and adheres to all regulations of the active armed services of the United States.

The Governor, as commander-in-chief of the militia of the state, appoints the *Adjutant General* in the grade of major general; *Assistant Adjutant General for Army* in the grade of brigadier general; *Assistant Adjutant General for Air* in the

grade of major general; and an *Assistant Quartermaster General* in the grade of colonel. They hold office at the pleasure of the Governor during his term of office and must be appointed from the federally recognized list of officers active in the Ohio National Guard with not less than 10 years commissioned service and not less than five years in the Ohio National Guard.

Every able-bodied citizen between the ages of 17 and 67 is subject to service in the unorganized *Ohio Militia* unless already a member of the organized militia which consists of the Ohio National Guard, Ohio Military Reserve, and Ohio Naval Militia. Membership in the organized militia of the state is voluntary. The organized militia may be ordered by the Governor to serve the state to suppress or prevent riot or insurrection, repel or prevent invasion, to protect persons or property from violence, or in case of man-made or natural disaster.

The *Ohio National Guard, Army and Air*, is the organized military force of the state, except when ordered into active federal service. Under the National Defense Act, the Army and Air National Guard are reserve components of the United States Army and Air Force. Within the past 80 years, the Guard has been inducted into federal service nine times. For World Wars I and II, the mobilization was complete. The Berlin Airlift; Korean Emergency; Mexican Border Service; Vietnam; Operations Just Cause (Panama); and Desert Storm were partial mobilizations. Ohio Army and Air Guard members were activated after the September 11th attacks to serve in Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom. In recent years, National Guard members have been increasingly active and have volunteered for service in peacekeeping and humanitarian missions around the world, serving in Bosnia, Kosovo, Honduras, and Nicaragua. In September 2005 Hurricanes Katrina and Rita struck the Gulf Coast states of Mississippi and Louisiana, resulting in the mobilization of over 2,700 Ohio National Guardsman, Army and Air, to help with emergency relief operations.

The Ohio National Guard consists of more than 80 Army units with 64 armories located in 49 Ohio counties, and four Air Guard wings with 12 ground units, three of which are geographically separated, for an Air Guard presence in seven Ohio counties. There are approximately 10,000 Army National Guard members and 5,000 Air National Guard members. Major units of the Army National Guard are the 37th Brigade Combat Team, 16th Engineer Brigade and 73rd Troop Command. Flying Wings in the Air National Guard are the 121st Air Refueling Wing (Columbus), 179th Airlift Wing (Mansfield), the 178th Fighter Wing (Springfield) and the 180th Fighter Wing (Swanton). All members of the National Guard are paid on the basis of rank and time in service in comparison with the active armed forces.

The Ohio Military Reserve and the Ohio Naval Militia are strictly state forces and have no federal authorizations or obligation. At present, these organizations consist only on a cadre basis and are charged with the planning necessary for rapid expansion in the event the National Guard is activated for federal service.

The Adjutant General is also custodian of all military property owned by the State of Ohio or issued to the state by the federal government. The department is responsible for maintaining a roster of active National Guard members of Ohio and for safe keeping of all military records of active and retired Ohio National Guard members.

Department of Administrative Services

Created in December 1973, the *Ohio Department of Administrative Services* (DAS), under a *Director* appointed by the Governor, provides logistical and administrative support to state agencies to facilitate the efficient operation of state government. DAS' mission is to provide quality service, specialized support and innovative solutions for the effective operation of Ohio government.

The Department assists customer agencies in the selection, retention, and placement of state employees; administers state employee payroll, benefits, training and development; conducts collective bargaining contract negotiations and interpretation on behalf of all state agencies; provides computer, information management and telecommunications services; oversees anti-discrimination programs and ensures participation of minorities and women in state-supported activities; provides office services; provides purchasing, printing, fleet, energy and mail services; furnishes design, construction planning, maintenance and security services for state-owned buildings, assists with land acquisition, and secures leases for other office space.

ADMINISTRATIVE SUPPORT: provides administrative, financial, legal, communications and human resources support to the DAS Director and state agency-facing business units of DAS.

- Communications and External Relations
- Legal Counsel
- Finance
- Employee Services
- Central Services Agency

GENERAL SERVICES DIVISION: Provides direct service to state agencies in areas from printing to real estate with a focus on creating efficiencies and adhering to statewide standards.

- Asset Management Services
- Fleet Management
- Procurement Services
- Properties and Facilities
- Real Estate and Planning
- Risk Management
- State Architect's Office
- State Printing and Mail Services
- Surplus Property Services

COLLECTIVE BARGAINING DIVISION: Negotiates and administers collective bargaining agreements with five unions representing 15 bargaining units.

- Labor Relations
- Contract Compliance
- Dispute Resolution
- SERB Services

INFORMATION TECHNOLOGY: Provides information technology services and guidance to state agencies in order to promote secure and effective use of

information technology.

- IT Policy
- IT Services
- GIS Services
- Telecommunications
- IT Research and Advisory
- Multi-Agency Radio Communication System (MARCS)
- Ohio Administrative Knowledge System (OAKS)

EQUAL OPPORTUNITY DIVISION: Provides assistance to state agencies to ensure equal access to state employment and contracting opportunities.

- Affirmative Action
- Certification
- Compliance
- Minority Affairs

GENERAL SERVICES DIVISION: Provides direct service to state agencies in areas from printing to real estate with a focus on creating efficiencies and adhering to statewide standards.

- Asset Management Services
- Fleet Management
- Procurement Services
- Properties and Facilities
- Real Estate and Planning
- Risk Management
- State Architect's Office
- State Printing and Mail Services
- Surplus Property Services

HUMAN RESOURCES DIVISION: Provides human resources services and information to state employees and helps state agencies conduct their personnel functions.

- Benefits Administration
- Workforce Administration
- Policy Development
- Learning and Professional Development
- Support Center

Department of Aging

The *Ohio Department of Aging*, administered by a *Director* appointed by the Governor, is the agency designated to administer matters pertaining to services and activities for the elderly including federal Older Americans Act programs (home delivered meals, transportation, home repair) and state funds. The Department plans and coordinates statewide programs, provides technical assistance, acts as an advocate for the elderly, and develops recommendations for administrative and legislative action. In addition, the Department is responsible for the Golden Buckeye Program which is easily one of the most recognizable services for seniors in the state.

The Department has made an emphasis on promoting community-based long-

term care choices for the elderly. Through this, older Ohioans are offered long term care in addition to customary nursing home placement. PASSPORT is a major program area in this effort and provides services (nursing, meals, assistance with dressing) to seniors.

A 12-member bi-partisan *Ohio Advisory Council for the Aging* is also appointed by the Governor to advise the Department for policy and planning. A majority of the members of the Council shall be at least 60 years of age. Business, labor, health, law, and human services from various parts of the state, with an interest in older citizens affairs and their welfare, shall be represented. In addition, two members from each the House and the Senate along with representatives of the Departments of Job and Family Services, Health, Mental Health, Developmental Disabilities shall serve as ex-officio members of the advisory council.

Department of Agriculture

The mission of the *Ohio Department of Agriculture* (ODA), is to provide regulatory protection to producers, agribusinesses, and the consuming public; to promote Ohio agricultural products in domestic and international markets; and to educate the citizens of Ohio about the agricultural industry.

ODA is the second oldest state agency, which evolved from “An Act for the Encouragement of Agriculture” passed by the General Assembly on February 27, 1846, to establish agricultural fairs and promote farming.

The *Director of Agriculture*, who is appointed by the Governor, is empowered to make rules and regulations regarding all aspects of statutory duties concerning agriculture and consumer protection, the conduct of county and independent fairs, and departmental procedures.

The Department places great emphasis on its role as a consumer protection agency. Its workload is apportioned among the following divisions and programs:

ADMINISTRATION: provides all other agency divisions with communication, legal, legislative, financial, technological, personnel, and maintenance support.

AMUSEMENT RIDE SAFETY: inspects and licenses amusement rides and go-kart tracks at county and independent fairs, the state fair, and all permanent amusement parks in Ohio. The division also licenses games at the state and county fairs.

ANIMAL INDUSTRY: helps protect the health and safety of Ohio’s multi-billion-dollar livestock and poultry industries by working with Ohio veterinarians, and producers. The division performs livestock testing and inspections to identify and control animal diseases in Ohio. They also license livestock dealers, weigh stations, rendering plants, and garbage feeders, and provide veterinary diagnostic laboratory services.

CONSUMER ANALYTICAL LABORATORY: serves as the state’s primary food safety laboratory. The lab provides testing and diagnostic services for other ODA divisions to help assure the food supply is safe and wholesome, and that businesses are in compliance with agriculture laws and regulations. Food safety

scientists annually perform more than 100,000 tests on samples gathered by ODA's inspectors. Samples include meat, poultry, fresh and processed foods, beverages, and dairy products, as well as such agribusiness products as animal feed, fertilizer, and pesticides.

DAIRY: helps assure that milk products are wholesome and safe for consumption. The division inspects, licenses, and maintains records of all Ohio Grade A and Manufacture milk producers, as well as milk haulers, processors, transfer stations, and milk-receiving stations in Ohio. Licensing and inspecting these dairy facilities helps to assure the sanitary production, transportation, and processing of all dairy products.

ENFORCEMENT: provides investigative support to ODA's regulatory divisions, and taking criminal action against businesses and individuals who violate the Ohio's agricultural laws and regulations. The division supports such departmental actions with notices of violations, letters of warning, stop-sale orders, license suspensions or revocations, and criminal prosecutions. The division is also responsible for fleet services, and capital improvements on ODA's Reynoldsburg campus as well as registering brands and administering the Ohio Auctioneers Program, which licenses and regulates Ohio's auction industry.

FARMLAND PRESERVATION: administers farmland preservation programs, educates the public about the importance of saving farmland, and assists farmers and local officials with farmland preservation efforts.

FOOD SAFETY: assures consumers are provided foods, over-the-counter drugs, dietary supplements, and cosmetics that are safe. Regulatory oversight of the wholesale and retail industry through contracts, partnerships, and educational activities with federal, state and local food regulatory agencies.

LIVESTOCK ENVIRONMENTAL PERMITTING PROGRAM: regulates the state's largest livestock and poultry farms with construction standards for all new farms; all aspects of manure storage, handling, transportation, and land-application by these farms; and the farms' insect and rodent control plans.

MARKETS: provides quality marketing services to Ohio's food and agriculture industries in order to enhance their competitive advantage in Ohio, the United States, and the global marketplace.

MEAT INSPECTION: assures the wholesomeness of products of the state's billion-dollar meat industry by inspecting animals intended for consumption and collecting food samples to be tested for bacteria and impurities. The division is responsible for assuring that all state licensed plants produce safe, wholesome, and properly labeled products in a sanitary environment in accordance with the applicable Ohio Statutes, Administrative Codes, and USDA rules and regulations.

OHIO GRAPE INDUSTRIES: serves as the promotional and marketing advocate for Ohio's grape industry and supports grape growers by funding research.

OHIO RURAL DEVELOPMENT PARTNERSHIP: brings together citizens, community-based organizations, representatives of the private sector, and federal, state, and local officials to address the needs of rural Ohio communities.

PLANT INDUSTRY: is responsible for many consumer and farmer related regulations, including inspecting honey bee colonies, working to suppress the spread of gypsy moths, and other pests; testing germination of packaged seeds; verifying label statements on feed and fertilizers; regulating nursery stock; and monitoring the financial stability of grain elevators. The goal is to hold businesses which produce, process, and distribute plant-based agriculture products to high standards of integrity and safety.

TOBACCO: helps the state's tobacco growers and quota owners by facilitating the distribution of national tobacco settlement funds.

WEIGHTS AND MEASURES: administers and enforces all laws pertaining to true, uniform weight and scale standards for all businesses and consumers. The program is based on the premise that any system of selling commodities of any type must use accurate weights and measures in order to protect both buyer and seller. The ODA's staff works hand-in-hand with local officials in constantly checking packages, scanners, and weighing and measuring devices used across the state ranging from gas pumps and retail store scanners, to vehicle and livestock scales.

Board of Regents

In September 1963, the Governor, with the consent of the Senate, appointed the first nine members of the non-compensated legislatively created *Ohio Board of Regents*, which appoints a *Chancellor* as the administrative officer. Members of the Board of Regents serve nine-year terms and are not compensated for their service.

This Board establishes broad policy in the field of higher education and periodically formulates a comprehensive master plan; reports to governor and legislature as requested; maintains a Higher Education Information system of student, faculty and financial data to assist in budget development and legislative decision-making; recommends operating and capital budgets for higher education; works closely with Office of Budget and Management and finance committees of House and Senate in determining the funding level for higher education; seeks cooperation and advice of officers and trustees of both public and private higher education institutions in performing its duties; appoints advisory committees for advice and assistance in defining and suggesting solutions for the problems and needs of higher education; approves all new degree programs, for public and private colleges and universities; approves plans and charters community college districts, technical college districts and state community college districts; and, administers state programs of student financial assistance (*Ohio Instructional Grants, Ohio Academic Scholarships, etc.*).

The preliminary head count of students enrolled in public colleges and universities for the fall of 2005 is 455,786.

There are 13 state universities and two free-standing colleges of medicine supported primarily through a state subsidy and student fees. Each has a separate nine-member, nine-year term governor-appointed, non-compensated Board of

Trustees. These schools include: the University of Akron; Bowling Green State University; Central State University; the University of Cincinnati; Cleveland State University; Kent State University; the Medical University of Ohio; Miami University; Northeastern Ohio Universities College of Medicine; Ohio State University; Ohio University; Shawnee State University; the University of Toledo; Wright State University; and Youngstown State University.

Besides the main campuses, eight state universities operate a total of 24 branches at Ashtabula, Batavia, Blue Ash, Burton Township, Canton, Celina, Chillicothe, East Liverpool, Hamilton, Huron, Ironton, Lancaster, Lima, Mansfield, Marion, Middletown, Newark, New Philadelphia, Orrville, Salem, St. Clairsville, Wooster, and Zanesville.

Fifteen public Community Colleges offer various associate degree programs: Cincinnati State Technical & Community College; Clark State Community College; Columbus State Community College; Cuyahoga Community College; Edison Community College; Jefferson Community College; Lakeland Community College; Lorain County Community College; Northwest State Community College; Owens Community College; Rio Grande Community College; Sinclair Community College; Southern State Community College; Terra Community College; and Washington State Community College.

The state system also includes eight technical colleges: Belmont Technical College; Central Ohio Technical College; Hocking College; James A. Rhodes State College; Marion Technical College; North Central State College; Stark State College of Technology; and Zane State College.

The Board of Regents also administers the *War Orphans' Scholarship Program*, which provides scholarships to children of deceased or disabled veterans; the *Ohio Instructional Grants Program* gives financial assistance to young people from families with incomes below \$39,000 who wish to enroll in a public or private institution of higher education; the *Ohio Academic Scholarship Program* awards scholarships on basis of academic ability and achievement to 1,000 high school seniors, and the *Ohio Student Choice Grant Program* provides financial assistance to Ohio residents who attend Ohio's private colleges.

Ohio Bureau of Workers' Compensation

The *Ohio Bureau of Workers' Compensation (BWC)* has provided injured workers with medical assistance and wage loss compensation for work-related injuries, diseases, and deaths since 1912. BWC's headquarters is in Columbus. Further, the bureau maintains 16 customer service offices and two customer focus centers in communities throughout Ohio.

In September 1995, the Ohio legislature revised the laws so the governor could appoint the bureau's administrator. The change created the Workers' Compensation Oversight Commission and established the position of chief operating officer, reporting to the administrator. The Oversight Commission makes recommendations to the administrator regarding investment policy, and approves premium rates and administrative rules.

At \$21.2 billion (as of June 30, 2005), the Ohio workers' compensation system

is the largest exclusive state-funded system in the United States and the fifth largest underwriter of workers' compensation insurance in the country. In fiscal year 2005, BWC provided workers' compensation coverage to more than 288,800 employers, processed more than 197,000 new claims and paid more than \$2.1 billion in benefits. BWC collected more than \$2.1 billion in premiums and assessments in fiscal year 2005.

The bureau provides insurance directly to an estimated two-thirds of Ohio's work force. The remaining workers receive coverage through a self-insurance program for large, financially stable employers who retain the financial risk for their companies' workers' compensation claims.

The workers' compensation system consists of two parts: BWC, which is the system's administrative and insurance arm, and the *Industrial Commission of Ohio* (IC), which is the claims adjudicative arm. The IC hears and determines contested workers' compensation claims. The Governor appoints the three members of the commission, one member representing labor, one representing employers and one representing the public sector.

The bureau determines the initial allowance or denial of claim applications, manages claims, pays compensation and medical costs, authorizes and handles lump-sum advancements and settlements, and manages the state insurance fund. It also initiates coverage, determines employers' premium rates and manual classifications, keeps account records, develops actuarial data, collects premiums, and conducts audits.

The bureau's *Division of Safety & Hygiene*, funded by workers' compensation premiums and assessments, provides safety consultative services at no charge to Ohio employers.

In March 1997, the bureau shifted its medical-management responsibilities to BWC-certified managed care organizations. This program replaced government bureaucracy in favor of the private sector, which now handles the medical management of injured workers' claims. Injured workers now have easier and timelier access to high-quality health care. It provides lower long-term health-care costs, which have resulted in a reduction in worker's compensation premiums for Ohio's businesses.

Department of Commerce

The *Department of Commerce*, created under Ohio Revised Code Section 121.02, is headed by a Governor appointed *Director*, regulates and provides services to numerous Ohio industries. Its mission is to fulfill our legal obligations to safeguard the public, while striving to regulate commerce in a reasonable, fair and efficient manner. To help in this mission, the Department continually strives to streamline bureaucracy in order to provide services more effectively and less costly. The Department differs from most governmental agencies, since it sustains its operations from funds collected from the industries it regulates.

The Department is composed of seven operating divisions and a Division of Administration that provides umbrella services to the operating divisions:

FINANCIAL INSTITUTIONS: regulates financial institutions in Ohio and consumer finance companies. The duties performed by the division include chartering banks; savings and loans; savings banks; credit unions; registering and licensing certain non-depository financial services; and conducting on-site examinations. Non-depository finance organizations include check cashing services, credit service organizations, insurance premium finance companies, mortgage brokers, pawnbrokers, precious metals dealers, second mortgage businesses, and small loan businesses.

INDUSTRIAL COMPLIANCE & LABOR: provides building and construction plans reviews, inspections of plumbing, electrical and structural systems, on-site inspections of elevators, boilers, and bedding and upholstered products throughout the state. The division provides testing, certification, licensing and continuing education services for numerous skilled trades within Ohio's building industry. The division also has incorporated the former division of Labor and Worker Safety as a bureau that administers and enforces Ohio's prevailing wage, minimum wage and minor labor laws.

LIQUOR CONTROL: responsible for controlling the manufacture, distribution, and sale of all alcoholic beverages in Ohio. It is the sole purchaser and distributor of spirituous liquor. These liquors are sold through more than 400 private businesses, known as state liquor agencies, that are contracted by the division to serve as its sales agents. Portions of the revenue generated by this regulation are used by other agencies for alcohol education, prevention and treatment programs. The Ohio Department Public Safety Liquor Enforcement Division and the Department of Health's Alcohol Testing Program benefit from the use of these funds.

REAL ESTATE AND PROFESSIONAL LICENSING: licenses real estate brokers and salespersons. It also licenses and certifies general and residential appraisers. In addition, the division regulates foreign real estate brokers, and registers foreign real estate property. The division also supports the Ohio Cemetery Dispute Resolution Committee which includes the registration of all active cemeteries in Ohio, and investigating complaints or disputes involving registered cemeteries.

SECURITIES: protects consumers and promotes the development of both large and small businesses in Ohio by administering the Ohio Securities Act. The term "securities" includes stocks, bonds, debentures, options, promissory notes, and many other forms of investment contracts. The division reviews applications of securities offered for sale in Ohio, and licenses securities dealers, salespersons, investment advisors and investment adviser representatives. It investigates complaints by investors, and imposes administrative action against violators of the Ohio Securities Act. The division makes a number of criminal referrals to local prosecutors.

STATE FIRE MARSHAL: the State Fire Marshal's Office is the oldest established office of its kind in the United States being established in 1900. The division's general area of responsibility include:

- Designing and presenting fire prevention programs
- Modernizing and enforcing the Ohio Fire Code
- Investigating the cause and origin of fires and explosions

- Analyzing fire-related criminal evidence
- Regulating underground storage tanks
- Training firefighters
- Testing, licensing and certification

UNCLAIMED FUNDS: responsible for the safekeeping and return of monies designated as “unclaimed.” Each year, due to death, inadvertence or forgetfulness, hundreds of thousands people and organizations lose track of monies, rights to monies and intangible personal property in Ohio. The division requires that the holders report unclaimed funds and works to locate the owners of such funds. Common sources of unclaimed funds include: dormant bank accounts; unpaid insurance policies; unreturned utility and rent deposits; undelivered and un-cashed dividends and shares of stocks; and un-cashed checks. While in the possession of the division, unclaimed funds are used to assist in the state’s economic development.

Ohio Development Services Agency

The *Ohio Development Services Agency* (ODSA) establishes and implements Ohio’s new economic development strategy. A cornerstone of this strategy was the creation of JobsOhio, and a reorganization of the Ohio Department of Development. As part of this reorganization, the Department of Development was renamed Ohio Development Services Agency (ODSA), focusing on supporting the businesses, individuals, and communities in Ohio.

While JobsOhio now leads the way attracting and retaining jobs, Ohio Development Services Agency has assumed the role of supporting and overseeing this effort. Development will continue to offer programs that help Ohio’s most vulnerable citizens and to support community development activities.

The ODSA legislation formally changed the name of the Ohio Department of Development to the Ohio Development Services Agency (effective Sept. 28, 2012) to better reflect the Agency’s new mission. It also finalized the transition of economic development efforts to JobsOhio and streamlined the state incentive approval process. Finally, the legislation provided a new funding model and advisory board for TourismOhio and improved access to capital for small- and minority-owned businesses.

The Ohio Development Services Agency contains eight divisions or offices:

ECONOMIC DEVELOPMENT DIVISION: provides assistance in the creation, retention, and expansion of job opportunities for Ohioans. Through aggressive economic assistance and incentive packages for businesses, Ohio remains an economic development trendsetter. Offices within the division include business development, tax, investment-in-training, and small business assistance.

INTERNATIONAL TRADE DIVISION: promotes commerce and investment between Ohio and global markets. The division organizes trade shows and missions, and provides technical assistance to small and medium sized Ohio businesses interested in selling their products to overseas markets. The division operates trade offices in Toronto, Canada; Tokyo, Japan; Brussels, Belgium; Tel Aviv, Israel; Mexico City, Mexico; Sao Paulo, Brazil; Buenos Aires, Argentina;

Santiago, Chile; Hong Kong; and Johannesburg, South Africa.

TECHNOLOGY DIVISION: strengthens the economy and enhances the environment and the general well-being of Ohio Citizens by facilitating the research, development, and commercialization of technologies in partnership with business, academia, Ohio communities and other governmental agencies.

COMMUNITY DEVELOPMENT DIVISION: links state government to local governments and non-profit organizations through a variety of state and federally funded housing assistance and human services programs. The division's goal is to build stronger, healthier communities throughout the state.

DIVISION OF TRAVEL AND TOURISM: promotes Ohio as a quality travel destination. Through a series of innovative programs and promotions, such as 1-800-BUCKEYE, the division works to increase travel and visitor spending in Ohio.

GOVERNOR'S OFFICE OF APPALACHIA: represents the interests of Ohio's Appalachian region within state government. The Office serves as an advocate for southeastern Ohio's 29 Appalachian counties by shaping policy and promoting specific projects and proposals which have been developed by the region's residents.

DIVISION OF MINORITY BUSINESS AFFAIRS: encourages and assists with the development and growth of minority-owned businesses. Special programs, such as direct loans and surety bonding, offer financial assistance to new and growing minority enterprises. The division also offers resources including technical assistance, management, education, and consulting services to help minority businesses procure public and private sector contracts.

OFFICE OF URBAN DEVELOPMENT: helps improve the economic climate in Ohio's older communities by encouraging new investment and innovative land use in order to attract and retain good jobs. Through the Clean Ohio Program, the office provides grants to communities to assess and clean up properties which are environmentally damaged so they can be used in future development.

The Ohio Development Service Agency has 12 regional offices located throughout the state. Ohioans can receive assistance accessing the Department's many programs through these offices.

Department of Developmental Disabilities

The *Department of Developmental Disabilities* is headed by a *Director* appointed by the Governor. The Department has the responsibility for overseeing a statewide system of support for persons with mental retardation or other developmental disabilities.

The Ohio Department of Developmental Disabilities (DODD) became a separate cabinet agency in 1980. The agency was formerly named The Ohio Department of Mental Retardation and Developmental Disabilities, until the signing of Senate Bill 79 in July 2009, which authorized the name change. The agency

ensures the availabilities of programs, services, and supports to assist more than 80,000 Ohioans with disabilities in living the life they choose, promotes their health and safety, and assists and supports the families of these individuals in achieving these goals.

The department provides funding assistance and administrative oversight to Ohio's 88 County Boards of Developmental Disabilities (County Boards of DD) for residential and support services. Individuals receive residential services through funding from the DODD, and others receive various support services through programs provided by Ohio's County Boards of Developmental Disabilities.

The Department operates 10 Developmental Centers across Ohio, which provide residential care for more than 1000 individuals. The Centers operated by the Department are: Cambridge, Columbus, Gallipolis, Montgomery, Mount Vernon, Northwest, Southwest, Tiffin, Warrensville, and Youngstown. The DODD also licenses more than 1000 community-based residential facilities.

Environmental Protection Agency

In 1972, the *Ohio Environmental Protection Agency* (EPA) is headed by a *Director* appointed by the Governor and was created to administer laws and regulations governing air, water, and land pollution in the state. The Agency operates the following programs:

- Air Pollution Control
- Solid and Infectious Waste Management
- Hazardous Waste Management
- Drinking and Ground Waters
- Water
- Emergency and Remedial Response
- Environmental and Financial Assistance
- Pollution Prevention
- Environmental Education Fund

An extensive permit program governs polluters or potential polluters of the air, land, water, or drinking water supplies, and allows for compliance monitoring of pollution sources. All programs are increasing emphasis on pollution prevention and technical assistance.

The Ohio EPA provides for citizen participation in its proceedings and encourages citizen involvement in the permit process and in complaint proceedings.

The Director serves as *Chairman of the Hazardous Waste Facility Approval Board*; *Chairman of the State Emergency Response Commission*; is an ex-officio member of the *Ohio Water Development Authority* and the *Ohio Air Quality Development Authority*; and is a Commissioner of the *Ohio River Valley Water Sanitation Commission*, and the *Water Quality Board International Joint Commission*.

Department of Health

The *Ohio Department of Health* (ODH), through the *Director of Health*, ap-

pointed by the Governor, and the Public Health Council, works to promote and protect the health of all Ohioans. The Public Health Council is the primary rule-making body of the department. It adopts, amends, and rescinds rules of the Ohio Administrative Code pertaining to public health; prescribes, by rule, the number and functions of divisions and bureaus, and the qualifications of chiefs of divisions and bureaus within the department; and advises and consults with the director on matters affecting public health. The composition of the seven-member group, as required by statute, are three physicians, a registered nurse, a registered pharmacist, a registered sanitarian, and a member of the public who is at least 60 years of age. Members are appointed by the Governor to serve seven-year terms, with one term expiring each June.

HEALTH PROGRAMS

There are three divisions under Health Programs, *Prevention, Quality Assurance, and Family and Community Health Services*.

PREVENTION: assures public health preparedness, promotes health, investigates and evaluates health status, and prevents and controls injuries, diseases, and conditions both chronic and infectious through population-based health initiatives, thru six Bureaus.

- **Health Surveillance, Information, and Operational Support:** monitors the health status and evaluates trends of infectious, chronic, and environmental disease and injuries, and their associated risk factors through surveillance, analyses, and the development of more effective surveillance methodologies.
- **Infectious Disease Control:** prevents the occurrence of infectious disease by primary (e.g., immunization) and secondary (e.g., early detection of disease outbreaks) prevention modalities.
- **Environmental Health:** protects human health by assessing health risks from chemicals and other environmental exposures, and develops methods to reduce or prevent these risks; creates a system to protect the public against bio-terrorism and other large scale health threats such as floods and epidemics.
- **Health Risk Promotion and Reduction:** improves the health status of all Ohioans through the use of population-based health risk reduction strategies.
- **Public Health Laboratories:** provides laboratory analysis to identify disease outbreaks, environmental hazards, and other risks.
- **Radiation Protection:** protects the public and the environment by reducing radiation to levels as low as reasonably achievable.

QUALITY ASSURANCE: promotes the health and safety of Ohio's citizens through activities that assure the quality of health care delivery systems through five Bureaus; administers the Technical Assistance Program to provide consultative services to nursing home providers to improve resident outcomes.

- **Long Term Care Quality:** administers the Medicare/Medicaid certification and State licensing programs to assure the quality of health care through initial surveys for licensing and/or certification, periodic evaluations, and complaint investigations of long term care facilities (nursing homes, skilled nursing homes, intermediate care facilities for the mentally retarded, and

residential care facilities) for compliance with applicable federal and state health and safety standards.

- **Regulatory Compliance:** serves as the central contact and coordinator for the enforcement process when substandard quality of care is identified in facilities/providers/services that are state licensed or certified for Medicare/Medicaid participation by the Department of Health.
- **Diagnostic Safety and Personnel Certification:** assesses performance of health and abatement professionals, workers, contractors, and companies using quality standards and outcome objectives in accordance with state and federal regulations; ensures the safe provision of specific hospital services including solid organ transplantation, bone marrow transplantation, cardiac catheterization, open-heart surgery, and pediatric intensive care services.
- **Community Health Care Facilities and Services:** through a program of regulatory oversight involving onsite surveys, inspections, and investigations, serves and protects the consumers of health care providers (those who care for patients) and suppliers (those who furnish goods and services used in care and treatment) whose operations are not considered long term care; has regulatory oversight responsibilities for obstetrical and newborn care services, residential group and family homes, and health maintenance organizations.
- **Information and Operational Support:** develops and maintains management information systems for the Division and provides technical support of computer hardware, software, and data communications; manages the centralized processing, storage, compilation and public disclosure of data collected via surveys, certifications, and related activities.

FAMILY AND COMMUNITY HEALTH SERVICES: assures access to and availability of community-based health services to individuals, families, and children thru seven bureaus.

- **Nutrition Services:** improves the health status, and prevents health problems, of Ohio's at-risk women, infants and children.
- **Early Intervention Services:** coordinates, expands, and enhances early identification and intervention services for children and families affected by, or at-risk for, developmental or genetic diseases.
- **Child and Family Health Services:** seeks to improve the health of Ohio's people through the promotion of access, availability and appropriateness of health care services.
- **Oral Health Services:** improves the oral health of Ohioans by assuring access to, and availability of, community-based oral health services.
- **Community Health Services and Systems Development:** assures the development and maintenance of ongoing quality health care services and systems of health care delivery which are community-based, are culturally competent, and encompass the philosophy of treating the whole individual.
- **Health Services Information:** assures that program evaluation, needs assessment, and grant reporting are implemented for the division through a coordinated approach to collecting and analyzing quantitative and qualitative data, and by assuring that information systems are available and accessible.
- **Children with Medical Handicaps:** assures, through the development and support of high quality coordinated systems, that children with special health care needs and their families obtain comprehensive and culturally

sensitive.

ADMINISTRATION AND FINANCE: provides administrative and business services through eight offices and units to the Department.

- **Financial Affairs:** provides accurate and timely services including budgeting, accounting, reporting, grants, monitoring, purchasing, and related fiscal support for the entire Department.
- **Management Information System:** supports the mission of the Department through enterprise management, information technology and telecommunications.
- **Employee Services:** provides comprehensive personnel, labor and employee relations support to department managers and employees through employment processing, labor relations, supervisory and management training, compensation and benefits administration and organizational development, human resource administration and specific projects.
- **Employee Assistance Program:** provides screening, support, information, and referral services to state employees and their family members to help them cope with personal problems that can affect one's health and well being, as well as job performance.
- **Equal Employment Opportunity Office:** enforces all federal, state, and local civil rights laws.
- **Employee Health Services:** conducts state employee wellness programs; provides information on health and safety issues and offers on-site treatment for emergency and intermittent care.
- **Internal Audit:** reviews internal fiscal and administrative policies and procedures; reviews sub-grantee audit reports and performs on-site fiscal reviews of sub-grantees.

Office of the Inspector General

In September of 1988, the Office of the Inspector General was created by executive order of the Governor. In 1990, the Ohio General Assembly passed legislation making this office a permanent function of state government.

The Inspector General is appointed by the Governor. The Ohio Inspector General has the authority to examine and investigate wrongful acts or omissions in the Governor's Office and agencies of state government. The jurisdiction of the office encompasses the Governor, his staff, state agencies, departments, boards, commissions, and any other entities appointed, employed, controlled, or subject to the authority of the Governor. It also includes state universities and state medical colleges.

This office is specifically prohibited from examining, investigating, or making recommendations relative to the General Assembly, the courts, the Secretary of State, the Attorney General, the Treasurer of State, or the Auditor of State and their respective offices. The jurisdiction of the office does not include any county or local governmental offices or agencies.

Department of Insurance

The *Department of Insurance*, established March 12, 1872 by statute, is headed by a *Superintendent* who is appointed by the Governor, assisted by a *Deputy Director*, and eight *Assistant Directors*.

The Department is comprised of nine divisions or offices that report to the Superintendent:

EXECUTIVE OFFICE: is charged with overseeing the operations of the entire Department.

CONSUMER SERVICES: answers consumer inquiries to resolve consumer complaints regarding disputes with insurance companies.

INVESTIGATION AND LICENSING SERVICES: has four divisions:

- **Fraud:** investigates external insurance fraud.
- **Enforcement:** investigates insurance agents of agencies that are accused of wrongdoing.
- **Licensing:** certifies and monitors insurance agents.
- **Market Conduct:** monitors insurance companies non-financial activities.

FINANCIAL REGULATION SERVICES: monitors insurance companies financial solvency and takes corrective action when necessary.

LIFE & HEALTH AND MANAGED CARE: has two divisions:

- **Life & Health:** reviews contractual provisions to ensure that companies are in compliance with insurance laws.
- **Managed Care:** responsible for qualifying alliances, and licensing, monitoring, and regulating pre-paid health care plans.

PROPERTY & CASUALTY SERVICES: analyzes all rate, rule, and policy forms to ensure that rates are fair and reasonable, policies and contracts are clear and readable, and that rates do not adversely affect a company's financial position.

LEGAL SERVICES: ensures that everything is done within the law

INFORMATION AND TECHNOLOGY SERVICES: provides data and technological support for the entire department.

GENERAL SERVICES: administers programs that benefit the health, safety and security of Department employees.

Department of Job & Family Services

The *Ohio Department of Job and Family Services* (ODJFS) is headed by a *Director*, appointed by the Governor. The department was formed in 2000 by the merger of the Ohio Department of Human Services and the Ohio Bureau of Employment Services. It develops and oversees programs designed to help Ohioans become

independent through education, employment, job skills, and training. Other ODJFS programs help ensure a safe and healthy environment for individuals and families who need help caring for their basic needs due to temporary or permanent situations. These programs include: adoption; child care; child support; disability assistance; food stamps; foster care; labor exchange; Medicaid; Ohio Works First; the Prevention, Retention, and Contingency Program; protective services; Unemployment Compensation; veterans' services; and workforce development.

SERVICES FOR OHIO WORKFORCE JOB SEEKERS: assists with career counseling, education and training, computer-cased job matching and labor market information, resume preparation, information on unemployment compensation, and is the registration agency for apprenticeship opportunities. In addition, ODJFS assists disabled veterans, Vietnam-era veterans and other veterans in alleviating unemployment and underemployment. Sharing Career Opportunities and Training Information (SCOTI) is a Web-based job-seeking vehicle where an individual can post their resume, search through thousands of job openings, and access other helpful information.

SERVICES FOR EMPLOYERS: referral of qualified job seekers to employer job openings and assisting with job fairs and direct referrals; utilizing both staff and Internet services to post current job openings, review resumes and find employees for current job openings; procedures for reporting new hires; and information on the labor market, tax credit programs, and unemployment compensation. SCOTI is a Web-based tool employers can use to enter and manage their own job orders and view resumes from online job seekers.

SERVICES FOR OHIO FAMILIES: ODJFS programs for families include adoption/kinship/foster care, childcare, child support, protective services, financial assistance, health care, food stamps, and links to other sites for information on food banks, clothing, shelter and transportation.

CHILDCARE LICENSING: inspects and sets standards for child care centers, child day camps and private homes caring for seven or more children (Type A family childcare homes). ODJFS also establishes the standards for county certification of private homes, which care for six or fewer children (Type B family childcare homes). There are 3467 licensed centers in Ohio.

CHILD SUPPORT PROGRAM: works to ensure that children in Ohio receive the financial support by non-custodial parents who are legally obligated to provide. The program provides a variety of services, ranging from legally identifying the father of a child, to the enforcement of financial, and medical obligations.

OHIO WORKS FIRST (OWF): part of Ohio's Temporary Assistance to Needy Families (TANF) program and initially provides time-limited cash assistance to eligible needy families for up to 36 months. During that time, county departments of job and family services (CDJFS) provide support to adult participants to become job-ready, obtain necessary job skills and find employment. After 36 months, families are ineligible for further payments unless the CDJFS approves an extension of benefits.

OUT OF HOME PLACEMENT SERVICES: are provided when it has been determined that a child must be removed from the home and substitute (foster)

care is arranged. If the situation indicates that a child will not return, steps are taken toward finding a permanent placement, preferably adoption.

PREVENTION, RETENTION, AND CONTINGENCY (PRC): a program designed to assist low-income families with necessary resources to:

Prevent families from having to apply for OWF cash assistance when crises arise; help family members **retain** employment by enhancing job skills, overcoming barriers, and providing short-term assistance or wage supplementing wages if necessary; and provide for **contingent** needs by helping families with one-time urgent problems that, if left unattended, could result in families' needing long-term public assistance.

HEALTH CARE: administers a state and federally funded health care plan called Medicaid provides health care coverage to low-income and medically vulnerable people of all ages.

SUPPORT PROGRAMS

- **Food Stamp Program:** helps people with low incomes obtain nutritious food. Food stamp benefits are issued by the U.S. Department of Agriculture through county job and family services departments (CDJFS) and are used to purchase specific staples and grocery items at participating grocery stores. Food stamp benefits are dispersed through the Electronic Benefits Transfer system. At the grocery store checkout counter, the amount purchased is deducted electronically via a plastic card from the individual's or family's total monthly allotment of food stamp benefits. Eligibility, determined by the CDJFS, is based on federal guidelines including income, resources and household size. An average of one million Ohioans receive food stamps each month.
- **Ohio's Best Rx:** a statewide prescription drug discount program designed to lower the cost of prescriptions for Ohio residents who have no prescription drug coverage. Applicants under the age of 60 cannot earn more than 250 percent of the federal poverty guideline while those age 60 and over are not subject to any income restrictions.

Department of Mental Health & Addiction Services

The *Department of Mental Health & Addiction Services* is administered by a *Director* appointed by the Governor. The *Medical Director* oversees treatment issues in mental health. A *Deputy Director* has the responsibility for hospital programs while two other *Deputy Directors* are assigned to program development/policy issues and administrative services. Six *Area Directors* serve as liaisons with local community health boards.

The primary mission of the Department is to ensure that quality mental health care is available in communities to all Ohioans - particularly individuals with serious mental illness. It is estimated that nearly two million Ohioans will need mental health services during their lives for problems ranging from situational stress to severe and chronic mental illness. Each year the mental health system provides services to more than 265,000 Ohioans including 76,000 adults and 52,000 children who have serious disabilities resulting from a mental illness.

In May 2012, Governor Kasich announced plans to consolidate the Ohio Departments of Mental Health (ODMH) and Alcohol and Drug Addiction Services (ODADAS) into a single cabinet agency effective July 1, 2013. The new Department of Mental Health and Addiction Services (MHAS) will align state-level service delivery with the local system, where 47 of 53 county board systems already administer both types of services. According to the federal Substance Abuse and Mental Health Services Administration (SAMHSA), at least 25 percent of individuals with mental illness also have a substance abuse disorder and in Ohio's state-run psychiatric hospitals rates of 50 percent are common. Many providers are certified for both types of services and a significant percentage of consumers interact with providers in both systems. Nationally, 46 other states have agencies with a mission that crosses more than one system, and there is a combined federal Substance Abuse and Mental Health Services Administration (SAMHSA).

ODADAS and ODMH have much in common already. Mental illnesses and addictions are both biological brain disorders with genetic and/or neurobiological factors. Both are often unseen and may remain undetected for years before treatment is accessed, and denial and stigma are common barriers to getting treatment. Both addiction and mental illness can be treated successfully, and the social supports and community resources that people with both types of diseases need are very similar. The ultimate goal is to provide a system for prevention and treatment of mental illness and addiction with no wrong doors, shared resources, and combined expertise.

The Department funds, reviews, and monitors community mental health programs through 50 county-level boards. These boards in turn fund, plan and monitor services provided by more than 400 not-for-profit community mental health agencies. The Department reviews these agencies for compliance with certification standards, and also licenses private psychiatric hospital units and community residential programs.

The legislation passed in 1988 required that local mental health and addiction services programs establish a community support system which includes residential, crisis, vocational, case management and family support services as part of the mental health system. Other human service providers, community leaders, public officials, clergy, educators, employers, families, and consumers themselves, as well as health and mental health care professionals participate as part of community support systems.

As local mental health programs have increased in both size and scope, more people have received services in outpatient settings in their home communities, and the population of state psychiatric hospitals has decreased dramatically. The average daily resident population of state hospitals has declined from 40,000 in 1975 to 1,200 in 2002. During this same time frame, the community caseload has grown from 95,000 to 190,000 and the number of community agencies has increased from 92 to 470.

Mental health facilities operated by ODMH provide the inpatient component of the community mental health system. Plans for utilization of state hospitals are submitted to ODMH by the boards and patients are screened in the community

before admission. Some state hospital employees provide services in community settings through community support networks coordinated by county boards. The Department currently operates five Behavioral Healthcare Organizations (hospitals) with nine sites for adults. During fiscal year 2002, these hospitals admitted and discharged more than 2,000 patients.

Department of Natural Resources

The *Department of Natural Resources (ODNR)*, which was created in 1949 to formulate and execute a long-term comprehensive plan for the wise use and protection of the state's natural resources, is headed by a *Director* who is appointed by the Governor assisted by an *Assistant Director* and two *Deputy Directors* with 11 statutory divisions and 10 supporting offices plus several advisory boards, councils, and commissions to provide public participation.

Advising the Director is the *Recreation and Resources Commission*, composed of five governor-appointed bipartisan members and nine chairpersons of the following departmental advisory councils:

Forestry Advisory Council; Water Advisory Council; Wildlife Council; Parks and Recreation Council; Soil and Water Conservation Commission; Technical Advisory Council on Oil and Gas; Waterways Safety Council; Recycling and Litter Prevention Advisory Council; and the Geology Advisory Council.

The Director serves on the following: *Great Lakes Commission; Council of Great Lakes Governors; Hazardous Waste Facility Board; Interagency Council on Hispanic Affairs; Ohio Soil and Water Conservation Commission; Ohio Water Development Authority; Ohio Water and Sewer Rotary Commission; Power Siting Board; Mine Subsidence Governing Board; Ohio Mining Council; Lake Erie Commission; Reclamation Commission; Public Works Commission; Council on Un-reclaimed Strip Mines, and the Ohio River Basin Commission.*

The 12 Divisions of the Department are as follows:

ENGINEERING: plans and oversees design and construction of ODNR's capital improvements program and other facility improvement projects for all land-holding divisions; provides technical support for facility operations and maintenance projects; supports operation and maintenance of ODNR run water and wastewater treatment systems; oversees boundary, topographic and other land surveying projects; and coordinates roadway maintenance projects with the Ohio Department of Transportation (ODOT).

FORESTRY: is actively involved in preventing the destruction of forestlands by fires, insects and disease. Other programs include urban forestry, management assistance for private woodland owners, and forestry product education and information. The division manages more than 185,700 acres in Ohio's 20 state forests and one forestry nursery.

GEOLOGICAL SURVEY: investigates and characterizes mineral resources, fossil fuels, geologic formations and hazards through mapping, subsurface investigations, remote sensing, and geophysical surveys. It provides maps, databases, and reports; recommends legislation on geologic issues; and partners with the

U.S. Geological Survey and other state geological surveys to conduct scientific investigations of regional and national interest.

MINERAL RESOURCES MANAGEMENT: regulates oil and gas production, surface and underground mining of coal and industrial minerals, and reclamation activities. It plugs abandoned oil and gas wells; restores abandoned mine lands; enforces mining safety laws; ensures protection of freshwater resources; and maintains a database of gas well owners.

NATURAL AREAS AND PRESERVES: currently managing 130 state nature preserves; acquires, manages, and protects Ohio's most pristine areas characterizing the state's natural landscape, vegetation, geology, and habitat for rare and endangered species. The division also administers the Scenic Rivers Program, Natural Heritage Database and Cave Protection program.

PARKS AND RECREATION: protects more than 164,000 acres of land and water, managing the recreational resources in 74 state parks, 56 campgrounds, 9 resort lodges, 6 golf courses, 520 vacation cabins, 4 dining lodges, and 36 marinas. In addition, the division maintains trails, beaches, nature centers, and public docks.

REAL ESTATE AND LAND MANAGEMENT: coordinates ODNR's land acquisition and other realty services that support the State's Park, Wildlife, Forest and Nature Preserve systems; administers various recreation grants including the Land and Water Conservation Fund, Recreation Trail Program, the state NatureWorks grant program, and the state Clean Ohio Trails Program; coordinates environmental review activities for the department; manages and operates the central office headquarter facilities located on 22 acres with 9 building where nearly 700 persons are located.

SOIL AND WATER CONSERVATION: provides program development and administrative assistance to Ohio's 88 soil and water conservation districts; oversees the state's agricultural abatement program; sponsors comprehensive watershed planning projects; and produces information about the state's soil resources to ensure the quality of Ohio's soil, land, and water.

WATER: manages Ohio's surface and ground water resources; collects and analyzes hydrologic data; issues permits for the construction of dams and levees; inspects existing dams and levees; operates the state canal system; and administers the state floodplain management program.

WATERCRAFT: administers boat registration and titling programs and enforces all laws regarding use and operation of watercraft. The division provides boating safety education programs and financial grants to agencies for education, enforcement, and boat access facilities.

WILDLIFE: is responsible for fish and wildlife management, information and education, and law enforcement. Special emphasis is placed on endangered species, wetlands, other critical habitats, and wildlife diversity. The division has five district offices, two fish research units, four wildlife research units, two Lake Erie offices, six fish hatcheries, 233 wildlife areas, and fishing access areas encompassing more than 184,000 acres.

ADMINISTRATIVE SUPPORT OFFICES: provide centralized services to the various ODNR divisions. These include the offices of Administration, Budget & Finance, Coastal Management, Communications, Human Services, Information Technology, Internal Audits, Law Enforcement, Legal Services; and Legislative Services.

Office of Budget and Management

The *Office of Budget and Management* (OBM), headed by a *Director* appointed by the governor, was created in 1973 when the former Department of Finance, Personnel, and Public Works was divided into two new agencies, the Office of Budget and Management and the Department of Administrative Services. The Director serves as the chief financial advisor to the Governor, keeps the Governor apprised of the state economy, is the Chief financial spokesperson for the Governor, and represents the Governor in financial matters before the General Assembly and other public forums.

The Office has nine sections:

BUDGET DEVELOPMENT: evaluates agencies' budget requests and prepares the executive biennial budget and capital plan for submission to the Ohio legislature. When budgets are passed, the section oversees allotment planning and monitors agencies' spending to ensure it is done in conformance with state law and does not exceed appropriations. This section also prepares economic forecasts and revenue estimates and issues a monthly financial report to the Governor.

CONTROLLING BOARD: consists of seven members - a designee of the Director of Budget and Management who serves as a president of the board, three members of the House of Representatives, and three members of the Senate. The board provides legislative oversight over certain capital and operating expenditures by state agencies and has approval authority over various state fiscal activities. The Board meets approximately every two weeks to consider and vote on requests for actions that are submitted agencies.

DEBT MANAGEMENT: is responsible for managing existing State debt and proposed issuances of new State debt as authorized under Section 126.11 of the Ohio Revised Code. For proposed sales of new State debt, OBM must review and approve the sale including the amount, security, the source of payment, structures, and maturity schedule.

ACCOUNTING OPERATIONS AND PROCESSING: monitors and controls both the spending and revenue collection activities of state agencies. The staff in this program also develops and maintains computer software accounting programs, provides training to users of the state's accounting system, and produces state financial reports.

ELECTRONIC COMMERCE: these programs are designed to empower state agencies, boards and commissions to procure goods and services in a more efficient manner; they encourage the streamlining of the acquisition process, while still having solid internal controls to monitor the process and payment of the purchased goods and services.

FINANCIAL REPORTING: primarily responsible for publishing the State's official Comprehensive Annual Financial Report. This report covers all funds of the State's reporting entity, and includes basic financial statements and required supplementary information prepared in accordance with generally accepted accounting principles.

INTERNAL ACCOUNTING CONTROL PROGRAM AND OVERSIGHT: created to ensure that state agencies complete a control self-assessment. This helps agencies establish and maintain proper controls to comply with all applicable laws relating to financial matters, and adopt practices to safeguard the state's funds, property, and other assets against waste, loss, and unauthorized use.

FINANCIAL PLANNING AND SUPERVISION COMMISSIONS: there are two types commissions; one to help school districts and the other to assist local government. They are created after the Auditor of State declares the entity to be in a state of financial emergency.

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM: is a business transformation project that will improve the effectiveness, efficiency, and integration of central government business functions through an enterprise resource planning system.

Opportunities for Ohioans with Disabilities

The Ohio Rehabilitation Services Commission (RSC) changed its name to Opportunities for Ohioans with Disabilities effective October 1, 2013.

Comprehensive Statewide Needs Assessment

Reinforcement of the belief that people do not know who RSC is was glaring in the Comprehensive Statewide Needs Assessment that was completed by The Ohio State University. It shows that of the population to be served, less than 15% take advantage of the department's services.

The name change will not diminish the mission of the agency of assisting individuals with disabilities to live independently, gain meaningful employment or receive disability benefits through the Social Security Administration nor include operational changes. Additionally, the Commissioners will remain as a part of the agency and will continue to independently approve the statewide Vocational Rehabilitation Plan, membership to the Consumer Advisory Committee and make recommendations to the Statewide Independent Living Plan. Changing the name to the Opportunities for Ohioans with Disabilities Agency (OOD) more accurately reflects the mission and goal of the agency.

This state agency which provides vocational rehabilitation services leading to employment and independence for Ohioans with disabilities. It is comprised of three bureaus; the Bureau of Vocational Rehabilitation assists people who have physical, mental, and emotional disabilities; the Bureau of Services for the Visually Impaired, provides services to Ohioans who are blind or have a visual disability; and the Bureau of Disability Determination is responsible for determining medical eligibility for Ohio's Social Security Disability Insurance and Supplemental Security Income claims.

Department of Public Safety

The mission of the *Ohio Department of Public Safety* (ODPS), is to save lives, reduce injuries and economic losses, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost effective and service-oriented methods available. A *Director*, appointed by the Governor, heads ODPS. The Office of the Director includes one Assistant Director, Legal Services, Communications and the Legislative Liaison. Through the combined efforts of the *Administrative Division*, *Bureau of Motor Vehicles*, *Criminal Justice Services*, *Emergency Management Agency*, *Emergency Medical Services*, *Homeland Security*, *Investigative Unit* and the *Ohio State Highway Patrol*, the Department strives to adhere to the highest principles of public service, honesty and integrity, understand in all efforts that we serve the citizens of Ohio.

The organization and functions of the Department are as follows:

ADMINISTRATION: is headed by an *Executive Director*, and includes the offices of *Business Services*, *Data Services*, *Fiscal Services*, *Governor's Highway Safety Office*, *Human Resource Management*, *Information Technology* and *Internal Audit*.

The Administration Division provides the department and other outside customers with a variety of resources (e.g., provides technical support and direction; prepares the state budget and acquires financial resources; provides a high public awareness of highway safety through a variety of campaigns; supplies valuable data to a multitude of customers, both public and private; provides supplies and purchases services for the department; ensures proper use of department equipment; monitors employee pay records; and manages personnel issues as well as employee training and benefits).

- **Office of the Governors Highway Safety Representative:** administers federal grants (402 funds) to local communities on programs such as traffic records, police traffic services, traffic engineering, emergency medical services, comprehensive community programs, occupant protection, alcohol, drugs, youth awareness, and leadership development.
- **Office of Information Technology (IT):** includes operations and system programming for all data collected by the BMV and deputy registrars; assists in maintaining LEADS with the Highway Patrol. A section of IT is the *Traffic Crash Records Section* (TCR): a statistical section providing summaries of crash information via computer to local governments, and serves as the central repository of Ohio's reportable traffic crashes (currently over seven million on file). TCR prepares computerized printouts summarizing crash data by locality. The information gathered by this section is used to identify traffic safety problems and evaluate countermeasures.
- **Financial Services:** prepares and presents biennium budget requests; provides financial advice to the Director; develops; maintains a system of integrated fiscal controls; and conducts an ongoing review of financial expenditures.
- **Purchasing and Support:** procures all office supplies, equipment, services and outside printing orders. They coordinate the production of and storage of 11 million license plates.

OHIO BUREAU OF MOTOR VEHICLES (BMV): is headed by the *Registrar* and includes the following sections: Driver License Special Case; Violations; License Support; Financial Responsibility; Tax Distribution; Dealer Licensing; Registration and Titling; Research and Development; Investigation; and Deputy Registrar Services.

- **Drivers License Special Case, Violations and License Support:** handles public inquiries and verification of over 7 million driver license records and enters points, suspension, and revocations into the Law Enforcement Automated Data System (LEADS). They also maintain the National Driver Register to track problem drivers.
- **Financial Responsibility:** administers the Financial Responsibility Law which includes the processing of all crash reports and establishes administrative suspension of noncompliance cases.
- **Tax Distribution:** distributes revenues generated from the sale of license plates and local permissive tax fees to each county and taxing district throughout the state on a monthly basis.
- **Dealer Licensing:** consists of two sections; *Temporary Tags*, which issues and monitors the sale of temporary tags to motor vehicle dealers; and the *Dealers and Salesperson Licensing*, which is responsible for issuing licenses, permits and plates to motor vehicle dealers, salespersons, and other motor vehicle-related businesses throughout the state.
- **Registration:** issues all special license plates (reserved, personalized, collegiate, Lake Erie, Veteran, handicap, etc.) and is responsible for the storage of vehicle records. They process all mail-in renewal registration notices. This section is responsible for *Gratis* which issues and renews free plates to governmental agencies, disabled veterans, and former prisoners of war.
- **Title:** is responsible for administering the Ohio Revised Code sections governing title issuance for motor vehicles and working closely with all County Clerks of Court Title offices where titles are issued. The Automated Title Processing System has given Ohio the capability to generate and search statewide title records electronically as opposed to hand-filed title documents.
- **Deputy Registrar Services (DRS):** regulates and provides support services for 214 deputy registrar agencies across the state. Five Districts and their field representatives give assistance to the local deputy registrar license agencies. They are audited on a regular basis by the Auditing Section. DRS also maintains inventory control and has a communications section to answer questions from the license agencies.

CRIMINAL JUSTICE SERVICES (OCJS): through its research, technology, grants administration and programmatic initiatives, the Ohio Office of Criminal Justice Services serves agencies and communities committed to reducing and preventing crime across Ohio. OCJS administers over \$18 million dollars in state and federal criminal justice funding every year, and also identifies justice issues; evaluates programs; and develops technology, training and products for criminal justice professionals and communities.

Essential services provided by OCJS include:

- **Grants:** administers state and federal justice grants to local sub-grantees, including law enforcement, courts, corrections, state and local agencies,

and domestic violence shelters.

- **Research & Evaluation:** evaluates the effectiveness of criminal justice projects including law enforcement, corrections, courts, prevention, and victim services.
- **Criminal Justice Information System (CJIS):** coordinates Ohio's plan and the development of automated systems to promote sharing crime information and data.
- **Ohio Incident-Based Reporting System (OIBRS):** collects, stores and analyzes crime data in a repository, to help law enforcement anticipate and prevent crime through a fully automated, voluntary crime reporting, querying, and mapping system.
- **Family Violence Prevention Center:** implements baseline funding for domestic violence information and initiatives.
- **Resources:** designs programs and training based on criminal justice trends and needs. A few of the efforts include gun safety posters and brochures, the State of Crime, and grant writing training sessions held throughout Ohio.

EMERGENCY MANAGEMENT AGENCY (EMA): is headed by an Executive Director with a senior staff that includes three Division Directors who supervise the Operations Division, the Technical Support Division and the Grants Division. Established under Chapter 5502 of the Ohio Revised Code, the OMA is the central point of coordination within the state for response and recovery to disasters. The agency staff coordinates and provides professional mitigation preparedness response and recovery services that save lives, reduce injuries and economic loss, and enhance recovery from disaster.

The primary focus of the agency, when not in a response or recovery mode, is to ensure that the state, and its 11 million citizens, is prepared to respond to an emergency or disaster and to lead mitigation efforts against future disasters. Effective emergency management systems are a tiered effort. When an emergency exceeds the capacity of local government, they request the assistance of the state through the Ohio EMA. If an emergency response exceeds the capacity of the Ohio EMA, the governor can request aid from the president through the *Federal Emergency Agency* (FEMA).

EMERGENCY MEDICAL SERVICES (EMS): headed by an *Executive Director*; is advised by a 20-member board representing various organizations involved in EMS. The goal of this division is to oversee emergency medical services in Ohio and to improve these services to all Ohioans. An EMS incident reporting system and a trauma system registry used for the collection of information on trauma care has been established. There is an EMS grant program to provide funds to local agencies for the training of their personnel and for the purchase of equipment to improve the availability, accessibility, and quality of emergency medical services in the state.

HOMELAND SECURITY (OHS): the primary focus is to plan, develop, and coordinate statewide resources in support of public and private entities responsible for preventing terrorism, raising awareness, reducing vulnerabilities, responding to, and recovering from terrorist acts.

An Executive Director heads this division. The Senior Staff includes two *Deputy Directors* who oversee the *Preparedness* and *Operations* efforts of OHS. Pre-

paredness includes the Readiness and Planning Branches as well as the State Building Security Office. Operations include the Private Investigator/Security Guard Investigators, and the Strategic Analysis and Information Center (SAIC).

The *Preparedness* Section coordinates the overall effort to prevent, respond to, and recover from terrorist attacks. They are also responsible for leading, integrating, and coordinating the implementation of preparedness efforts among state departments and agencies, local governments, and the private sector in preparation against terrorist attacks. Establishes and provides updates to a comprehensive Homeland Security Strategic Plan.

The Homeland Security Strategic Plan, modeled after the National Strategy, is intended to provide a comprehensive road map for achieving Ohio's homeland security mission and vision: preventing terrorism, raising awareness, reducing vulnerabilities, and responding to and recovering from terrorist acts. They map long-term goals and objectives for creating preparedness by identifying the organizations and individuals responsible for achieving the goals and objectives.

The *Operations* Section coordinates overall efforts to deter, detect, and prevent terrorist attacks in Ohio. They are responsible for leading, integrating, and coordinating the implementation of efforts among state departments and agencies, local governments, and the private sector to thwart terrorist attacks. They also facilitate interactions and collaborations between state and federal agencies, including the Department of Homeland Security, the Federal Bureau of Investigation, and the U.S. Attorney's Office. This is done through the SAIC which functions as the one-stop-shop for the collection and dissemination of terrorism-related information in Ohio.

INVESTIGATIVE UNIT (OIU): a full time law enforcement agency headed by an Executive *Director*. The Unit's senior staff includes three *Assistant Deputy Directors* who oversee the *administration and operations sections*. The Administration section includes the Unit's *Training Office, Statistical Services, Crime Laboratory, Central Evidence Facility, Professional Standards Office and Information Technology Office*. The Unit's Operations section includes the *public relations coordinator, special project coordinator* and the *Liquor Control Commission liaison*.

Two Deputy Directors are responsible for field operations being conducted through seven district offices. An Agent-in-Charge manages each district. Within each district an Assistant-Agent-in-Charge supervises the line functions and is responsible for the enforcement agents who conduct investigations.

The Investigative Unit's primary mission is the enforcement of the laws, rules and regulations that pertain to alcoholic beverages, food stamp fraud, and tobacco sales associated with liquor permit premises. This is accomplished through a concerted effort to cooperate with and assist Ohio's local communities and their law enforcement agencies as they address these important issues. The highest priority in this area are those violations of the state's underage alcohol and tobacco laws. The Enforcement Agents conduct both criminal and administrative investigations, and when appropriate, bring charges in local courts and/or before the Liquor Control Commission.

This unit is responsible for the education of the state's citizens, it's merchants

and it's law enforcement officers relative to laws regarding alcohol and tobacco. The Unit maintains a staff of seven Enforcement Agents, presenting "the Sober Truth" program to junior and senior high school students and community groups. The Unit also presents the "H.E.L.P." (Hire Education for Liquor Permits) program for the state's retail alcohol and tobacco merchants. The unit continues a long-standing tradition of providing Ohio's many law enforcement agencies with specialized training on the investigation and enforcement of violations pertaining to alcohol sales and manufacture, retail tobacco sales, and food stamp fraud.

OHIO STATE HIGHWAY PATROL (OSHP): is headed by a Superintendent, with the rank of *Colonel*. OSHP's headquarters staff includes two *Lieutenant Colonels* who serve as the *Assistant Superintendents* for *Operations* and *Administration*. Eight *Majors* supervise the Offices of *Investigative Services*; *Recruitment and Training*; *Finance/Logistic Services*; *Licensing and Commercial Standards*; *Field Operations*; *Human Resource Management*; *Technological Services*; and the *Strategic Services*.

Field operations are managed through 10 District Headquarters, each commanded by a *Captain*. Within each District are Posts commanded by a *Lieutenant* assisted by *Sergeants* responsible for a complement of *Troopers* assigned to the road.

The Patrol actively engages in efforts to reduce traffic deaths in Ohio by identifying high-accident frequency areas, which are then targeted for increased enforcement. Patrol officers also apprehend criminals using Ohio's roadways in their activities, primarily auto theft, drugs, or stolen property.

OSHP maintains a physically fit and well-trained force ready to respond to any situation. This may include violations of criminal laws on state-owned or leased property, or if directed by the Governor, assisting in disaster relief or riot protection.

The Patrol also conducts driver license examinations, inspects school buses, administers a motor vehicle inspection program, enforces state law concerning commercial vehicle size and weight restrictions, and investigates aircraft crashes occurring outside municipalities. OSHP also provides specialized law enforcement training to police and sheriff departments throughout Ohio.

Assisting the OSHP in event of emergencies and disasters is an Auxiliary force of almost 155 active members.

Department of Rehabilitation and Correction

The Department of *Rehabilitation and Correction* (DRC) was established in 1972 and its responsibilities are defined in Ohio Revised Code Section 5120. The *Director*, appointed by the Governor, has full power and authority in the supervision and control of the department's affairs. The *Assistant Director* advises the Director and oversees the development of policy and management of staff and inmates, and accountability of all matters involving Ohio prisons and the Division of Parole and Community Services (DPCS).

The Department protects and supports Ohioans by ensuring that adult felony offenders are effectively supervised in environments that are safe, humane and appropriately secure. In partnership with communities, DRC promotes citizen safety and victim reparation. Through rehabilitative and restorative program-

ming, offenders are encouraged to have an improved sense of responsibility and the capacity to become law-abiding members of society.

The department is comprised of the following divisions and bureaus each headed by a *chief* appointed by the Director:

OFFICE OF PRISONS: for administrative purposes, Ohio's thirty-two prisons are grouped into two regions, one north and the other south. Two *deputy directors*, referred to as "*regional directors*," supervise prison operations in their respective regions and function as the administrative supervisor for the individual wardens. The office also provides technical assistance in the area of security threat groups.

The institutions in Ohio that house more than 44,000 prisoners are as follows: Allen Correctional Institution, Lima; Belmont Correctional Institution, St. Clairsville; Chillicothe Correctional Institution, Chillicothe; Corrections Medical Center, Columbus; Correctional Reception Center, Orient; Dayton Correctional Institution, Dayton; Franklin Pre-Release Center, Columbus; Grafton Correctional Institution, Grafton; Hocking Correctional Facility, Nelsonville; Lake Erie Correctional Institution (Private), Conneaut; Lebanon Correctional Institution, Lebanon; London Correctional Institution, London; Lorain Correctional Institution, Grafton; Madison Correctional Institution, London; Mansfield Correctional Institution, Mansfield; Marion Correctional Institution, Marion; Montgomery Education and Pre-Release Center, Dayton; Noble Correctional Institution, Caldwell; North Coast Correctional Treatment Facility (Private), Grafton; North Central Correctional Institution, Marion; Northeast Pre-Release Center, Cleveland; Oakwood Correctional Facility, Lima; Ohio Reformatory for Women, Marysville; Ohio State Penitentiary, Youngstown; Pickaway Correctional Institution, Orient; Richland Correctional Institution, Mansfield; Ross Correctional Institution, Chillicothe; Southeastern Correctional Institution, Lancaster; Southern Ohio Correctional Facility, Lucasville; Toledo Correctional Institution, Toledo; Trumbull Correctional Institution, Leavittsburg; and Warren Correctional Institution, Lebanon.

DIVISION OF PAROLE AND COMMUNITY SERVICES: works in conjunction with local criminal justice officials and community and state agencies to provide safe, meaningful community sanctions for adult offenders.

Four bureaus fall under the DPCS: *Bureau of Adult Detention*; *Bureau of Community Sanctions*; the *Adult Parole Authority*, which includes the *Ohio Parole Board*, *Interstate Compact*, and *Offender Supervision*; and the *Office of Victim Services*.

ADMINISTRATION: The Deputy Director of Administration is responsible for several bureaus. *Business Administration* prepares and monitors the department's budget and coordinates fiscal operations and agricultural programs. The *Bureau of Fiscal Audits* performs audits of all grants and institution operations, and coordinates the internal auditing control procedures for the department. The *Bureau of Construction, Activation and Maintenance* plans and facilitates new construction and renovation projects. The *Ohio Penal Industries* (OPI) provides industrial training opportunities to Ohio inmates. The *Bureau of Records* is responsible for the management, retention, and destruction of departmental records, and processing and maintenance of offender records. The *Bureau of*

Information Technology develops and maintains the department's network to enhance communication, data gathering, and increased applications such as telemedicine and video conferencing.

HUMAN RESOURCES: responsible for the recruitment, assessment, hiring, training, fair labor practices, promotions, and retention of corrections professionals. It consists of the *Bureau of Personnel*, *Bureau of Labor Relations*, *Bureau of Employee Relations*, *Corrections Training Academy*, and the *Corrections Assessment Center*.

OFFICE OF CORRECTIONAL HEALTH CARE: consists of the *Bureaus of Mental Health Services*; *Medical Services*; and *Recovery Services*. These bureaus combine to administer all health care, dental care, psychological services, and drug and alcohol treatment services provided to Ohio inmates.

OFFICE OF THE CHIEF INSPECTOR: monitors the inmate grievance procedures; assists institutions in attaining *American Correctional Association* accreditation; and conducts internal management audits of the department.

LEGAL SERVICES DIVISION: manages in-house legal concerns for the Department; develops strategy with the Office of the Attorney General; assists administrators and managers in avoiding litigation; supervises the calculations of compound sentences; assists with contracts for prison services and infrastructure; consults on personnel practices and issues; advises on operational issues arising from the state's 32 full-service adult correctional facilities; and drafts administrative rules, policy review, and legal research.

LEGISLATIVE OFFICE: monitors the progress of proposed legislation in the Ohio General Assembly, and advises the Director and executive staff on the implication of changes in law.

OFFICE OF POLICY and OFFENDER REENTRY: made up of the Bureaus of *Planning and Evaluation*; *Research*; *Quality and Community Partnerships*; *Offender Reentry/Offender Job Linkage*; and the *Best Practices Institute*.

PUBLIC INFORMATION OFFICE: responsible for dissemination of information about the department to the media. The staff produces the annual report and various other informational pamphlets. The *Multi-Media Affairs Department* produces videos for informational and training purposes.

An eight-member, bi-partisan *Correctional Institution Inspection Committee* has been established by the General Assembly (four senators and four representatives) which is charged with inspecting state and local correctional institutions and reporting to the General Assembly. Each institution has formed an advisory board of community leaders to provide input and promote communication between the prisons and their neighbors.

Department of Taxation

The *Department of Taxation*, under the direction of the *Tax Commissioner* appointed by the Governor, is responsible for the administration of approximately 20 state and local taxes. In Fiscal Year 2003, the revenues collected from

these taxes comprise 92% of Ohio's General Revenue Fund of \$17.4 billion (excludes federal aid). The Ohio personal income, sales, and use tax together generate roughly 80% of total collections. The Commissioner has broad powers to organize the work of the department with the assistance of five Deputy Tax Commissioners, a Chief Legal Counsel, and a Chief Information Officer.

TAX POLICY

Tax Analysis: determines the financial impact of proposed legislation and performs financial and tax research.

Legislation: tracks pending legislation; performs constituent services.

Communications: handles communication with the press and other agencies.

TAX OPERATIONS

Taxpayer Service Centers: provides walk-in and telephone assistance to taxpayers in various locations across Ohio.

Taxpayer Services and Compliance: provides taxpayer assistance including answering tax questions over the telephone and via email; monitors assessments sent to taxpayers.

Budget & Fiscal: prepares and monitors the Department's budget and spending; manages physical facilities; and distributes tax funds to local governments.

Employee Development & Training: provides non-tax training to Department employees.

Problem Resolution Officer: provides assistance to taxpayers to resolve problems and disputes when normal procedures have failed and as a step prior to formal appeals process.

TAX SERVICES

Audit Division: performs audit of taxpayers.

Operations and Support: processes returns; monitors development of tax forms; monitors personal income tax returns and questions; administers personal income, corporate franchise tax, employer withholding tax, and pass-through entity taxes.

Excise Tax: administers excises taxes such as alcohol; cigarette and other tobacco products taxes; horse racing tax; motor vehicle fuel and highway use tax; mineral severance tax; replacement tire fee; and the kilowatt-hour tax.

Sales and Use Tax: administers the state sales and use tax, and the local sales and use tax for county government and /or transit authorities.

Estate Tax: administers the estate tax in conjunction with county auditors, treasurers, and probate courts.

Property Taxes: administers public utility excise tax; personal property tax; dealers in intangibles tax; ensures that the real property tax is uniformly administered across the state by the various county governments; and approves

real property tax exemptions.

ADMINISTRATION

Tax Enforcement: investigates suspected cigarette bootleggers and other illegal actions involving tax evasion.

Administrative Counsel: advises on employment law issues affecting the Department.

Human Resources: manages Department's personnel and benefit issues.

Performance Excellence: monitors the activities of the Department to ensure that the Department is following the best practices.

OFFICE OF CHIEF LEGAL COUNSEL

Taxpayer Appeals: hears administrative tax appeals brought before the Department.

Appeals Management: monitors tax appeals taken to further levels of appeal (Ohio Board of Tax Appeals, County Courts of Appeals, Ohio Supreme Court, U.S. Supreme Court).

CHIEF INFORMATION OFFICER

Information Services Division: purchases and maintains computer systems and programs; assists in development of electronic services for taxpayers.

Department of Transportation

The *Ohio Department of Transportation* (ODOT) is headed by a Director appointed by the governor. Other major members of the staff are three *Assistant Directors*, *Chief Legal Counsel* and a *Chief of Staff*.

The Ohio Transportation System began with a network of Indian trails and waterways, including the Ohio River, Lake Erie and their tributaries. Today it consists of more than 116,000 miles of roadways, (including 1,331 miles of interstate highways, 17,970 miles of state and US routes, and the 241.2-mile Ohio Turnpike); 5,800 miles of railroads; and 144 public airports owned or operated by local governments or state universities plus more than 449 private fixed base operations; The department, was created in 1972 to replace the former Department of Highways to broaden its scope to assure efficient and meaningful movement of people, goods and services. Ohio ranks 35th nationally in geographic size, however the state has:

- 2nd largest inventory of bridges;
- 4th largest interstate network;
- 5th highest volume of truck and passenger traffic; and
- 7th largest highway system in the country.

There are three major areas at ODOT: *Business Management*; *Highway Management and Planning*; and *Production Management*. Business Management includes the divisions of Information Technology, Finance and Forecasting, Quality & Human Resources, and Facilities & Equipment Management. Highway Management includes the divisions of Contract Administration, Construction

Management and Highway Operations. Planning and Production includes the divisions of Planning, Local Programs, and Production Management.

Ohio's roadways are classified, for administrative purposes, under four subdivisions of government: state, county, township and city. Each is a separate governmental entity with a defined portion of the highway network assigned to its jurisdiction. The state system is administered by ODOT; the county engineer, functioning with the board of county commissioners, administers the county system; the township trustees and clerk administer the township system; and the city (street) system is administered by appropriately designated agencies within the city government. ODOT does not have administrative control over any other of the government agencies, but there are conditions set forth in the statutes providing for coordination of efforts by the Director of Transportation.

Until about 40 years ago, the state usually contributed about 50 percent of the total highway improvement costs. The local share came from assessments against adjoining real estate until the cost of providing adequate roads increased beyond all reasonable proportion to the value received by the adjoining property owners. Subsequently, financing improvements to state rural highways became the direct responsibility of the state.

The highway responsibilities are funded through revenues generated by the state and federal motor fuel tax. The state motor fuel tax rate is 28-cents per gallon; and the federal tax rate is 18.4-cents per gallon. ODOT's budget for state fiscal years 2006 and 2007 is \$2.87 billion and \$2.81 billion respectively, for a total of \$5.6 billion for the biennium. This includes 40.3% from the federal trust fund, 44% from the state motor fuel tax, 9.5% from state highway bonds, 1.7% from federal highway bonds, 0.6% from the state infrastructure bank, 1.1% from the state general fund, 2.7% from local government participation, and 0.1% from miscellaneous funds.

Besides being responsible for the construction and maintenance of state, federal and interstate highways, the department also provides assistance to public transit and aviation facilities. ODOT anticipates a capital construction program of \$1.71 billion in fiscal year 2006 and \$2.42 billion in 2007.

At least \$700 million annually will be spent for the basic maintenance and preservation of the state highway system. The department dedicates a portion of its budget to programs that specifically assist local governments with their infrastructure needs. The remaining funding is used for administrative expenses of the department including payroll and snow and ice control. The majority of the work performed on the state roadways is done by competitively bid contracts awarded to private construction companies. ODOT personnel in the districts do perform routine maintenance such as guardrail repair, pothole patching and litter removal, are solely responsible for snow and ice control on Ohio's interstate system.

The Director of Transportation may enter into agreements, subject to certain restrictions, with other states or the Federal Government relative to the repair, maintenance or construction of toll-free bridges crossing a stream or body of water forming the state boundary.

The Director is an Ex-officio, voting member, of the Ohio Turnpike Commission. The five-member Turnpike Commission constructed and maintains the east-west turnpike across the northern part of the state, which is part of the interstate highway system. Revenue bonds, issued by the commission to finance the turnpike, are being redeemed by the collection of tolls.

Ohio Department of Veterans Services

In 2008, legislation was passed that created the Ohio Department of Veteran Services. Originally a commission under the office of the Governor, this department has all the responsibilities of a state agency similar to all other cabinet level agencies.

Creation of the Ohio Department of Veterans Services (ODVS)

Governor Strickland, after many years of service as a U.S. Congressman in Ohio's 6th District and as a member of the Congressional Veterans' Affairs Committee, felt strongly that Ohio's veteran community was underserved. In response to the needs of Ohio's veterans, Governor Strickland issued Executive Order 2007-11S on May 30, 2007 to establish the Veterans Study Council, to provide recommendations regarding the creation of the Ohio Department of Veterans Services.

The Veterans Study Council, which included 15 different veterans' organizations from within State of Ohio, unanimously recommended in December of 2007 that the state create the Ohio Department of Veterans Services with a cabinet level director. Governor Strickland, after thorough examination of the Study Council's recommendations, called for the creation of the Ohio Department of Veterans Services during his State of the State address in February of 2008.

During the same month, Senator Bob Spada introduced Senate Bill 289 that was ultimately signed into law by the Governor on May 23, 2008.

The Ohio Department of Veterans Services benefit to Ohio's Veteran Community

The Ohio Department of Veterans Services ensures that Ohio's veterans and their families have one central place to go to access the benefits they earned. The department will be an advocate for Ohio's veterans in Washington D.C., ensuring our veterans have greater access to federal benefits and programs.

Some examples of the connections that are made on a daily basis are:

Benefits Counseling Services, Burial/Cemeteries, Compensation & Claims, Education, Employment Services, Financial Assistance, Health, Legal Assistance, License Plates, Loans, Medals & Awards, Military Injury Relief Fund, Ohio Veterans Hall of Fame, Ohio Veterans Home, Records-Military, Recreational Benefits, Small Business, and State Taxes.

The new department works closely with county veterans' service offices and veterans' organizations to effectively coordinate and collaborate while providing quality services to Ohio veterans as expeditiously as possible.

Participating State agencies that support the efforts of the Ohio Department of Veterans Services

The Ohio Veterans Home Agency, the Governor's Office of Veterans' Affairs and the Ohio War Orphan Scholarship Board will be consolidated into the new department.

Department of Youth Services

The *Ohio Department of Youth Services* (ODYS) is the juvenile corrections systems for the state of Ohio. The department is statutorily mandated to confine felony level offenders, ages 10 through 21, who have been adjudicated and committed by one of Ohio's 88 county juvenile courts.

A *Director*, appointed by the Governor, administers the Department with the assistance of an Executive Assistant and seven Deputy Directors. The seven Deputy Directors oversee one of the following areas:

- Parole and Community Services
- Institutions
- Legal Services
- Division of Finance and Planning
- Human Resources
- Treatment and Rehabilitation Services
- Chief Inspectors Office

The mission of the Ohio Department of Youth Services is to:

- Enhance public safety by holding youthful offenders accountable and provide opportunities for rehabilitation. Public safety is the product of ODYS and the customers are the citizens of Ohio.

The major methods for producing that product are:

- correctional facility incarceration and services
- parole and supervision
- subsidies and grants to courts and counties

In order to serve ODYS customers more effectively, the department has created an innovative funding program called RECLAIM Ohio. RECLAIM (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors). Counties are encouraged to develop and utilize effective local programming options for youth who would otherwise enter a secure ODYS facility. RECLAIM Ohio empowers the local juvenile judges to target funds for these specific needs and funds the operations of ODYS at the State level.

The Department operates eight institutions and one residential treatment center. The population is 91.9 % male youth and 8.1% female youth. The female population is housed at the Scioto Juvenile Correctional Facility in Delaware. Other institutions are located in Circleville, Highland Hills, Massillon, Marion, Loudonville, Franklin Furnace and Perrysville. The Department contracts with one residential treatment facility located in Bainbridge. Security levels in the correctional facilities range from medium security to high security for the most serious offenders.

Once a youth is committed to ODYS, the length of stay is determined by law

and based on the felony level of the crime committed. The minimum length of stay for Felony 3, 4 and 5 offenders is six months and the minimum length of stay for Felony 1 and 2 is one year. Certain violent offenses have a minimum stay of 1-3 years. If a firearm was used or brandished, a youth could receive an additional 1-3 year commitment. Some offenses, such as aggravated murder or murder, carry a mandatory sentence to the age of 21.

During fiscal year 2005, there were 1,884 juveniles committed to ODYS. In that same year, the average daily institutional population was 1,752, with the average age of a youth committed being 16.7 years of age. The average length of stay for parole is 9.9 months. The average length of stay for all felony level youth at ODYS for fiscal year 2005 was 10.3 months, and the daily costs for caring for the youth at an institution is \$203.73.

Treatment programs are an integral part of a youth's rehabilitation. All youth are assessed for substance abuse problems and receive substance abuse education, substance abuse intervention, and treatment based on their level of abuse/addiction. There are also sex offender's treatment programs, a drug traffickers treatment program, and mental health services. Victim Awareness is a treatment program that is crucial to a youthful offender's rehabilitation. Educational programs include mainstream academic and special education tracks, GED course work, and vocational training programs.

The Department has six regional parole offices, which are responsible for the supervision of the youth once they are released from the institution and placed on parole. Each office is staffed with youth counselors who provide supervision for all 88 counties in Ohio. Substance abuse and sex offender services are available at the regional offices to insure treatment continuity as the offender returns to the community.

Miscellaneous Boards, Bureaus, and Commissions

The *State Board of Education* is the elected policy making agency for the schools of Ohio. The *Ohio Department of Education* serves as the Board's administrative arm. The Department is headed by the *Superintendent of Public Instruction*, who is appointed by the State Board.

Public education in Ohio has been a force almost as vital to the people as life itself. The state's educational system provides every Ohioan the opportunity to prepare for work, responsible citizenship, lifelong learning. Historically, public education began with the Northwest Ordinance of 1787 which provided "that schools and means of education should forever be encouraged." Tax revenues from a section of each township in the Northwest Territory were set aside by the federal government for schools. In 1820, a state system of free public schools was established. Attendance was made mandatory in 1825, and a one-half mill on the grand list of taxable property was appropriated. This was raised to 1 mill in 1854. Currently, local school districts are required to raise at least 20 mills in local taxes. Please note that "1 mill" is equivalent to 1/10 of one cent. Examples of the use mills is for school levies and per gallon of gasoline.

Since public education is basically a state responsibility outlined in the Ohio Constitution, the Ohio State School Department was created in 1837 with Samuel Lewis as the first state superintendent of schools. Three years later, the department was abolished and its duties were placed under the Secretary of State. In 1853, however, the Ohio State School Department was again created, this time with a Commissioner of Public Education that was elected for a three-year term. A 1912 constitutional amendment provided for a governor-appointed Superintendent of Public Instruction. A 1953 Constitutional amendment established the State Board of Education. In 1956, the board appointed the State Superintendent of Public Instruction, who would operate the State Department of Education to carry out the board's responsibilities and policies in accordance with the law and to serve as the board's secretary and chief executive officer. The superintendent also serves as a member of the board of several key state organizations, including the *Ohio Historical Society*, the *Ohio School Facilities Commission*, the *Ohio E-tech Commission*, *School Employees Retirement System of Ohio*, and the *State Teachers' Retirement System of Ohio*.

Of the 19 State Board of Education members, 11 are elected on an official nonpartisan ballot for four-year terms to represent districts comprised of three contiguous state senatorial districts. The remaining eight State Board of Education members are appointed by the governor (four representing rural districts and four representing urban districts, and serve at-large). A president and vice president are elected within the board. Nominations are by nominating petitions signed by not less than one percent of electors who voted for governor at the preceding regular election in the district, or 500, whichever is less. The candidates and petition signers must be qualified electors residing in the district. State board members may not hold any other public office, or be employed by any public or private school. Members are paid a salary pursuant to the Ohio Revised Code, and are reimbursed for expenses incurred while traveling to and from their home. A regular meeting must be held at least once every three months. Within 30 days of a vacancy, the governor appoints a qualified person to serve until the next general election.

This board is also responsible for the operation of the *Ohio State School for the Blind* and the *Ohio School for the Deaf*.

Under the law, the State Board of Education, through its operating agency, the Ohio Department of Education, sets educational policies; exercises leadership; administers regulatory and service functions by setting standards; allocates and distributes state foundation money and state and Federal grant funds; grants certification for teachers, principals, superintendents and treasurers; inspects schools; sets regulations for sale and purchase of textbooks; upon request, inspects adherence to minimum standards for instructional programs, personnel, buildings, and transportation; and provides technical, consultative, and advisory assistance. All efforts are directed toward assuring high academic achievement for all pupils in elementary, secondary, and vocational schools.

In addition to the State Superintendent of Public Instruction, there is a *Deputy Superintendent*, six *Associate Superintendents*, (leading the Center for School Options and Finance, the Center for the Teaching Profession, the Center for Curriculum and Assessment, the Center for Policy and Accountability, the Center for Students, Families and Communities, and the Center for School Improvement).

The Ohio Department of Education administers dozens of programs and hundreds of projects, which in fiscal year 2009, made available to Ohio schools and educational groups about \$1.1 billion in federal funds. Currently, the state provides about 45.4 percent of the current operating expenditures for Ohio's schools, with 46.4 percent coming from local sources and 8.2 percent coming from Federal sources. The 128th General Assembly appropriated \$6.80 billion in FY 2010 and \$6.79 billion in FY 2011 for foundation (state aside) payments.

The average per pupil expenditure for Ohio students in the 2008 school year was \$10,148. Approximately, 55.2 percent of a school district's budget is spent on instructional salaries.

An annual report must be prepared and submitted to the governor and the Ohio General Assembly, indicating the status, needs, and major problems of the public schools, and recommendations for necessary legislation.

Although the Ohio Constitution provides that education is a State responsibility, the Ohio General Assembly delegates much responsibility for administering and operation of public schools to Boards of Education in the city, local, exempted village school districts and the joint vocational school districts.

The county educational service center, usually administered by a five-member board with a superintendent and staff, provide services to the local districts within the county. Typical services would include special education, speech, hearing and psychological specialists for students. A county educational service center usually does not have power to operate classes.

The local school district within a county unit is also administered by a five-member board and has a local superintendent and treasurer. This board employs teachers, builds buildings, levies taxes and establishes rules and regulations for the operation of schools within its district.

The city school district may be organized in a municipality populated by 5,000 or more individuals. The number of board members may vary with population of the city, but may not exceed seven. It employs a superintendent, treasurer and staff, and operates schools. A city district is not under supervision of a county educational service center, but may contract for services with the educational service center.

An exempted village district is a district organized in a municipality of 2,500 or more, and is exempted from supervision by the county educational service center. Since 1954, Ohio law has prevented the establishment of additional exempted village school districts. Those exempted village school districts which currently exist are those which existed prior to 1954 and have not chosen to change status to a city or local school district.

Each district operates under a board of education, whose members are nominated by petition, and elected on a non-partisan ballot at general elections in odd numbered years to allow for staggered four-year terms beginning the first Monday in January. Vacancies are filled by the board until next general election for board members.

State powers are delegated to these boards; however the state retains general

control authority. Thus, the powers of the boards are those of quasi-corporations, and each district is a sub-division of the state, with its board aiding in the administration, exercising only those powers delegated to it under law, and without authority by its own action to make any additions or changes in such powers.

In the 2008-09 school year, these boards employed approximately 100,000 full-time teachers in 3,769 schools in 613 districts with 1.9 million pupils. County educational service centers are specifically restricted to supervisory functions concerning local districts. Local, city and exempted village school district boards have powers and authority specifically granted by the state. Each school district must levy taxes to provide free education for all school-age youths within the district for 182 days each school year, furnish free textbooks, provide transportation according to the law, and perform such other functions as the law demands, such as establishing salary schedules, making contributions to the State Teachers' Retirement System and to the School Employees' Retirement System.

In 1997, the General Assembly created community schools (sometimes called charter schools) in Ohio, which are designed to provide educational services to students, particularly those students who may be better served in a non-traditional environment. These community schools must have a sponsor and designate the grade span to serve. They will receive state and federal funding, typically on a per student basis, but do not receive local funds. They do not have taxing authority. As of 2009, there are nearly 330 community schools operating in Ohio with educational programs operating in traditional brick and mortar buildings, virtual electronic classrooms, and alternative education programs.

Compulsory education, which requires youth between the ages of six and eighteen to attend school, has been the law in Ohio since 1825. To be admitted to the first grade, a child must have reached his sixth birthday on or before September 30th of the entering school year, or have special placement.

Each high school must provide a comprehensive, college preparatory, or vocational curriculum, with at least 45 units of credit including fine arts, business education, English, foreign language, home economics, industrial arts, mathematics, physical education, health, social studies, science, reading, economics, and 15 other units in addition to these or other subjects.

To meet the state requirements for high school graduation, a student must have completed 20 units of credit above the 8th grade which must include English, social studies (including American history and American government), science, mathematics, health and physical education. Students must also pass the Ohio Graduation Test in each of the following areas: reading, writing, mathematics, social studies, and science. The State Board of Education encourages all schools to give a balanced presentation of the relevant contributions of women and of ethnic-minority and racial-minority groups.



The **OHIO LOTTERY COMMISSION** is a State Agency that conducts public gaming through offering various games of chance. The Lottery was approved

by a voter referendum in May, 1973.

Since 1974, the Lottery has provided more than \$16 billion to public education. Annually, they provide 4.5 percent of the funding needed for public education which is an effort shared by local, state and federal governments.

Nine Lottery Commissioners, appointed by the Governor, serve a 3-year term in an advisory capacity. Commissioners represent various demographic and geographic regions of the state. The *Executive Director*, also appointed by the Governor, serves as Secretary at monthly Commission meetings and is the Chief Executive Officer of this state agency.



The ***OHIO STATE LIBRARY***, founded in 1817, is governed by a five-member five-year term Board appointed by the State Board of Education. This Library Board is organized with a president, vice president and secretary. It names the *State Librarian* who directs the operations to insure good free library service to every resident including bookmobile service to rural areas, helping school libraries improve their services, establishing new libraries, lending books to state institutions, and doing reference work furnishing information about their libraries.



The ***PUBLIC UTILITIES COMMISSION OF OHIO*** (PUCO) is a quasi-judicial body consisting of five full time members appointed by the governor to staggered five-year terms. The PUCO Nominating Council is responsible for making a list of recommended candidates from which the governor chooses appointees to the Commission. Senate confirmation is required. One of the five commissioners is selected by the governor to serve as PUCO Chairman.

The PUCO holds regular public meetings to reach regulatory decisions and develop policies. Local public hearings, presided over either by commissioners or hearing examiners from the PUCO Legal Department, are held around Ohio on a variety of utility issues.

The PUCO:

1. Protects by monitoring and enforcing PUCO rules and state laws against unfair, inadequate and unsafe public utility and transportation services.
2. Resolves disputes either informally between you and the company or through our formal complaint process where only the PUCO can order relief and corrective action. The PUCO resolves disputes between utilities and residential, business, and industrial customers, as well as between competing utilities.
3. Assures availability of adequate, safe and reliable services to all residential, business, and industrial consumers.
4. Provides information about rights and responsibilities as a utility customer and publishes the Apples to Apples cost comparisons for energy services where there are choices.
5. Regulates rates for utility services where there are choices.

To carry out its responsibilities, the PUCO employs a professional staff that

includes engineers, economists, attorneys, and safety inspectors. Continually monitoring the activities of utility and transportation companies, the PUCO scrutinizes rate and service matters with the goal of assuring all residential and business customers access to adequate, safe, and reliable utility services at fair prices, while facilitating an environment that provides competitive choices.



The **OHIO CONSUMERS' COUNSEL (OCC)** was created by the Ohio General Assembly in 1976 as the legal representative for residential utility consumers of Ohio's publicly-owned natural gas, electric, telephone and water companies. The OCC works in cooperation with a nine-member bipartisan Governing Board appointed by the Ohio Attorney General, whose members represent organized labor, family farmers and at-large residential consumers.

The OCC is the residential consumer utility advocate serving as a resource for individuals who have questions and concerns, or would like more information about the services provided by their utility companies. The agency also educates consumers about utility issues and resolves complaints from individuals.

The **EXECUTIVE STAFF** for the Ohio Consumers' Counsel are responsible for the overall leadership of the agency, as well as coordinating legislative contacts through our state and federal legislative liaisons. The executive staff, in conjunction with input from other departments, is responsible for developing and maintaining the agency's Strategic Plan, to keep it up-to-date with the agency's growth and development.

The **COMMUNICATIONS DEPARTMENT** is responsible for public relations through media, publications and the agency web site. The outreach & education staff is also housed in communications and is responsible for the development and implementation of the agency's education efforts throughout the State of Ohio.

The **OPERATIONS DEPARTMENT** is made up of two sections, the Administration Section and the Consumer Response Center. The Administration Section oversees all fiscal and administrative functions of the office including budgeting, purchasing, library services, strategic planning, computer and information management services, docketing services and consultant management. The Human Resources function is handled by staff of the Administration Section and provides payroll processing, recruitment, training and development, orientation and on-going support in personnel matters.

The staff members of the Consumer Response Center answer consumer inquiries, assist in resolving consumer complaints, monitor utility companies for compliance with quality and service standards.

The **LEGAL DEPARTMENT** is comprised of the Legal Section and the Compliance Section. The Legal Section is responsible for directing the agency's representation of consumer interests by participating in proceedings in both state and federal courts and administrative proceedings on behalf of residential consumers before the Public Utilities Commission, federal regulatory agencies and state and federal courts. In addition, it recommends policies regarding significant issues facing utility regulation. The Compliance Section is responsible for

responding to consumer contacts regarding utility services, resolving individual utility problems and identifying issues of concern to residential utility consumers.

The **ANALYTICAL SERVICES DEPARTMENT** is responsible for conducting technical analysis of utility operations in a variety of proceedings. In addition, some analysts deal with issues concerning energy strategies such as Demand Side Management, and projects such as basic utility usage, costs determinations and economic impact determinations.



Effective April 1, 1984, landmark legislation created the three-member, bipartisan, six year term, Governor-appointed **STATE EMPLOYMENT RELATIONS BOARD** (SERB) to establish collective bargaining procedures for public employers and public employees. This eliminates the previous Ferguson Act where strikes by public employees were forbidden.



The **SINKING FUND** was created in 1851 when the state of Ohio was unable to pay for bonds issued for canal constructions. Canal companies constructed the canals and then went bankrupt. The state was then responsible for all the bonds issued on these canal projects. As a result, the state of Ohio almost went bankrupt repaying these defaulted bonds.

In 1851, the state of Ohio created the Sinking Fund Commission consisting of the Governor, Treasurer of State, Auditor of State, Secretary of State and the Attorney General, whose duty it is to administer the Sinking Fund for the retirement of the public debt and supervise the issuance and sale of bonds and the payment thereof.

The state's bonded indebtedness as of June 30, 2005, was: Highway Capital Improvements, \$794,500,000; Public Infrastructure Improvements, \$1,278,693,897; Natural Resources, \$180,260,000; Common Schools Capital Facilities, \$2,004,690,000; and Coal Research and Development, \$41,435,000.

In addition to the general-obligation bonded debt secured by the full faith and credit of the State of Ohio, as of June 30, 2005, the citizens have approved Constitutional Amendments authorizing revenue bonds. Outstanding bonds under this program are: Mental Health Facilities, \$250,485,000; Parks, Recreation, and Natural Resources Capital Improvement Bonds \$118,240,000; Common Schools Capital Facilities Bonds, \$313,195,000, Higher Education Capital Facilities Bonds, \$954,255,000; Cultural & Sports Facilities Bonds, \$184,150,000; Public Infrastructure Improvements Bonds, \$1,111,758,538 Revenue Bonds, however, are not under the jurisdiction of the Sinking Fund Commission.

There are other special obligation bonds and notes that may be issued by the Ohio Building Authority (OBA). The OBA issues obligations for facilities to house branches and agencies for State government. On June 30, 2005, the outstanding bonds and notes totaled \$4,805,947,000.

The original limitation as set forth 1851 stated that “... debts ... shall never exceed \$750,000” for the state, any obligation beyond that requires constitutional amendment approved by majority vote of people. These amounts have since been modified to meet today’s standards.

Taxes on highway use, gasoline, cigarettes, and general revenue appropriations service the indebtedness.

Besides the above state obligations, 250 libraries, 615 school districts, 1,318 townships, 703 villages, 233 cities, 88 counties are committed to billions of dollars of indebtedness. All these obligations have been created by vote of the electorate.



The five bi-partisan members of the **TURNPIKE COMMISSION OF OHIO**, created in 1949, are appointed by the Governor to an eight-year term and must be qualified electors for at least five years. The director of transportation is an ex-officio member of the Commission. The Commission is authorized to construct, maintain and operate turnpike projects at such locations approved by the governor and in accordance with alignments and design standards approved by the director of transportation and to issue revenue bonds of the state payable solely from revenues, to pay the cost of such projects and to collect tolls. The James W. Shocknessy Turnpike Project No.1 extends for 241 miles across northern Ohio is now in operation.

Note that the law states: “Turnpike revenue bonds ... do not constitute ... a pledge of the faith and credit of the state ... are not an obligation of this state.” The State Auditor may audit the accounts and records once a year without previous notice.



The five-member, bi-partisan, four-year term **OHIO BALLOT BOARD**, consisting of the Secretary of State as chairman, and Senate and House appointees, prescribe ballot language and explanation for General Assembly proposed constitutional amendments.



Definite regulations and limitations relative to financing of campaigns for nomination or election to public office have been established under the jurisdiction of the five-member, five-year term **OHIO ELECTIONS COMMISSION**. Four members are appointed by Secretary of State with consent of the Senate by selecting two each from list a of five submitted by two political party central committees. These four appoint the fifth member as chairman. No member shall serve more than one full term.



The **OHIO EXPOSITIONS COMMISSION** was established in 1961 when the Ohio General Assembly passed legislation creating a new governing body for the *Ohio Expo Center*. Prior to 1961, the Center had been overseen by the State Department of Agriculture. The Commission maintains and manages state

property used for the purpose of conducting at least one fair annually.

The Commission is composed nine members appointed by the Governor plus four ex-officio members; the Agricultural Chair of the Ohio Senate, the Agricultural and Natural Resources Chair of the House, Director of the Department of Development, the Director of the Department of Agriculture, No more than five of the appointed commissioners may be members of the same political party. Expiration of appointed terms is staggered to insure the continuity of the commission at all times. The Commission hires a General Manager to conduct the annual Ohio State Fair and oversee the 175 year-round events which take place at the Ohio Expo Center. Special emphasis is directed toward the promotion of agriculture and development of youth fair activities and programs.



The **OHIO SOIL AND WATER CONSERVATION COMMISSION** (four for four-year terms appointed by the governor, plus the director of agriculture, dean of the OSU college of agriculture, and director of natural resources) assists in organizing Soil and Water Conservation Districts situated in one or more counties for flood prevention, stream regulations, irrigation, water supply, sewage disposal, erosion or other purposes; conducts election for five supervisors; seeks cooperation of federal government. There are 25 active such districts e.g. Muskingum Watershed, Miami, Maumee, etc.



The Governor, with consent of the Senate, appoints the five-member, six-year term **OHIO BUILDING AUTHORITY** with the power to purchase, construct, reconstruct, equip, furnish, improve, alter, enlarge, maintain, repair, and operate office buildings and related storage and parking facilities for the use of state agencies on one or more sites within the state. The Authority may also lease to local governments and to the federal government. The Authority may issue bonds payable solely from its own revenue.



The **STATE BOARD OF SCHOOL AND COLLEGE REGISTRATION** established to protect the citizens of the state from misrepresentations of unscrupulous institutions, issues certificates of registration for such institutions not otherwise provided for by law. It consists of three, five-year term, governor-appointed members, and ex-officio members, State Superintendent of Public Instruction and Chancellor of the Board of Regents.



The six-member, uncompensated, bi-partisan, governor-appointed **ETHICS COMMISSION** receives or initiates complaints against public employees concerning conflicts of interest, and financial disclosures as required by law.



The uncompensated, 19 member ***OHIO ARTS COUNCIL***, fosters and encourages development of arts and preservation of cultural heritage. Fifteen members are appointed by the governor for five-year terms; two members of different political parties are appointed from each house for two-year terms.



The nine-member bi-partisan ***OHIO PUBLIC DEFENDER COMMISSION*** appoints the State Public Defender to provide legal representation for the indigent. The Governor appoints the chairman and four members, and the Chief Justice of the Supreme Court appoints the other four.



The eighteen-member ***NATIONAL MUSEUM OF AFRO-AMERICAN HISTORY AND CULTURE PLANNING COUNCIL*** was created to advise the Ohio Historical Society in establishing and operating a museum near Wilberforce University. Sixteen members are appointed by the governor for four-year terms; one member from each house is appointed to serve as a non-voting member.



The ***OHIO DRUG TREATMENT ADVISORY COUNCIL***, has 24 members, including representatives from the Departments of Health, Rehabilitation and Correction; Development; Education; Youth Services; Human Services; Mental Health; Attorney General; Bureau of Employment Services; State Board of Pharmacy; Medical Board; Psychology Board; Community Mental Health Board; licensed methadone program; certified drug program; a prosecuting attorney; a sheriff; a municipal chief of police; a judge of municipal or common pleas court; five representing non-governmental interests, organizations or offices (experienced in drug related problems).



INTERSTATE COMPACTS

Ohio has three representatives on the ***OHIO RIVER VALLEY SANITATION COMMISSION*** whose duty it is to control and prevent pollution of the river. This Commission is an experiment in government where several states are cooperating and solving a mutual problem by a legalized gentlemen's agreement.

When the federal government proposed to control all streams, the eight states in the 154,800 square mile Ohio River basin were granted permission by Congress to make a treaty or compact (ratified in 1948 and upheld in the U.S. Supreme Court in 1952). This compact sets a pattern for legal interstate agreement at no cost to the federal government. Ohio passed the necessary enabling legislation and paid its prorated share of cost based on 19.1% of the area.

Other Interstate Agreements include the following:

1. INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS (creates cooperative procedures for out-of-state parolees and probationers).
2. INTERSTATE COMPACT TO CONSERVE OIL AND GAS (Promotes

- conservation of oil through regulation of production and prevention of physical waste).
3. PYMATUNING LAKE (Established a recreation district, provides for the conservation of water and concurrent penal jurisdiction on waters of Pymatuning Lake. Pennsylvania and the U.S. government are included in the compact).
 4. INTERSTATE COMPACT ON JUVENILES (Sets up cooperative procedures for out-of-state supervision of juveniles and creates procedures for return of juveniles).
 5. INTERSTATE COMPACT ON MENTAL HEALTH (Provides proper treatment and care for mentally ill and mentally deficient of reciprocating state patients).
 6. VEHICLE EQUIPMENT SAFETY COMPACT (Promotes performance requirements for vehicle equipment).
 7. GREAT LAKES BASIN COMPACT (Conserves and utilizes water resources for maximum benefit of the states and Canadian provinces surrounding the basin).
 8. BUS TAXATION PRORATION AND RECIPROCITY AGREEMENT.
 9. COMPACT FOR EDUCATION (Establishes seven member educational commission in cooperative states, includes representation from United States, with board of education improvement objectives).
 10. FISHING AND HUNTING RECIPROCAL AGREEMENTS (may be made by attorney general, chief division of wildlife and director of natural resources).
 11. AGREEMENT OF DETAINERS (Provides cooperative procedures in matter of prisoners).
 12. THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL (facilitates the employment of qualified people from reciprocating states).
 13. MIDWEST NUCLEAR COMPACT (Creates Midwest Nuclear Board to promote industrial progress through use of scientific and technological advances in nuclear fields).
 14. PEST CONTROL COMPACT (establishes an insurance fund; aims to eradicate or control pests).
 15. INTERSTATE COMPACT ON PLACEMENT OF CHILDREN (establishes cooperative procedures for the purpose).
 16. INTERSTATE LIBRARY COMPACT (establishes cooperative library services procedures).
 17. INTERSTATE CORRECTIONS COMPACT (establishes reciprocal use of member facilities).
 18. INTERSTATE MINING COMPACT (promotes sound conservation practices, adopts standards for restoration of mined land, and assists in developing mineral resources).
 19. COMPACT ON MOTOR FUELS CONSUMED BY INTERSTATE BUSES (Avoids multiple taxation of motor fuels used by interstate buses).
 20. NON-RESIDENT VIOLATOR COMPACT OF 1977 (dealing with motor vehicles).
 21. INTERSTATE HIGH-SPEED INTER CITY RAIL PASSENGER NETWORK ADVISORY COUNCIL.
 22. MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMMISSION



Three Commissioners, comprising the **BOARD OF UNIFORM STATE LAWS**, attend the National Conference on Uniform Laws. Here consideration is given to proposals where uniformity throughout the United States seems feasible and desirable but in which Congress by constitutional limitation may not act. The Ohio commissioners, then, can urge the introduction and enactment of such measures in our General Assembly.

Measures have been enacted, pertaining to: Negotiable Instruments, Warehouse Receipts, Sales, Bills of Lading, Stock Transfers, Partnerships, Limited Partnerships, Fraudulent Conveyances, Proof of Statutes Foreign Depositions, Declaratory Judgments, Fiduciaries, Veterans, Guardianships, Attendance of Out-of-State Witnesses, Narcotic Drugs, Criminal Extradition, Business Records of Evidence, Judicial Notice of Foreign Laws, Official Reports of Evidence, Common Trust Funds, Reciprocal Enforcement of Support, Commercial Codes, Gifts to Minors, Composite Reports as Evidence and Highway Safety.



FEDERAL GRANT-IN-AID became a part of state government structure in 1836 when the federal surplus was returned to states on the basis of Congressional representation. The oldest continuous grant is under the Morrill Act of 1862 for land grant colleges (basis for The Ohio State University).

Various state departments, for hundreds of programs, receive either as direct grants, or requiring matching funds, from the United States Treasury such allotments.



The **OHIO VETERANS' HOME**, near Sandusky is maintained by the State for the care of disabled Ohio honorably discharged veterans of all wars and certain disabled members of Ohio National Guard or naval militia under the jurisdiction of a seven-member Board of Trustees (five veterans) appointed by the Governor.



The **OHIO CIVIL RIGHTS COMMISSION** shall prevent any employer, employment agency, labor organization, proprietor of public accommodation, or lending agency from engaging in unlawful discriminatory practices because of race, color, religion, sex, handicap, national origin, ancestry, or age nor shall any person refuse to negotiate for housing or burial plot for the same reasons. Racial discrimination is specifically banned on public construction projects.



The **POLICE AND FIREMAN'S DISABILITY FUND** for all persons employed by municipalities and townships, is administered by a seven-member board of trustees, including the Auditor of State, Attorney General, a governor appointed municipal officer and two each elected from each service.



A. State appropriations help to support the Ohio Historical Society (Museum, Archives Building, Library and State Memorials) the Ohioana Library Association and eight veterans organizations in their respective service for the common good.

B. Ohio still owns about 1500 acres of school land and a few lots of ministerial land of the 780,000 acres originally reserved by the United States Government as “public domain” for the support of “common schools” and religion. The \$4,268,779.94 received from the sale of these lands prior to 1917 was part of Ohio’s “irreducible debt” on which the state paid 6% interest annually to schools. Money received from coal, gas and oil royalties and rentals on land still owned and invested and the interest also distributed. By direction of the General Assembly, act of Congress, and the 1968 State Constitution Amendment, the State Auditor liquidated this debt and proceeded to sell lands placing return in the School District Deposit Fund for distribution to appropriate school districts.

C. The Director of Transportation may enter into agreement with another state or the United States relative to the repair or maintenance of toll free bridges crossing state boundary stream. Certain restrictions are set.

D. Highway Reciprocity. The objective of reciprocity is to make it possible for motor vehicles properly licensed in their home state, or in the state in which they are operated, to move into or through other states without the payment of duplicate fees and taxes. Ohio has two categories of reciprocity on motor vehicles taxes or fees:

- (1) Reciprocity relative to registration of motor vehicles is automatic if Ohio vehicles are granted equal exemptions in other states. No formal agreement is necessary.
- (2) Reciprocity relative to public utility licensing of commercial vehicles and other regulations is not automatic. Agreements with other states are negotiated by the Attorney General, Director of Public Safety, and a member of the Public Utility Commission.

E. The Governor is authorized to enter into agreement with the United States to transfer authority to regulate peaceful uses of atomic energy to the state.

F. A port authority, regional airport authority or regional transit authority may make contracts with the U.S. government, state governments, governmental agencies, with individuals or corporations; purchase, lease, acquire lands, let contracts, spend money even in adjoining states; issue revenue bonds.

G. POLITICAL SUBDIVISION means a taxing unit such as a county, municipal corporation, township, school district (except county), community college, technical institute district, joint vocational school, joint township, hospital district, township police district, conservancy district, health district, fire district, regional transit authority, regional water and sewer district, detention home district, certain combined districts, joint recreation district.

H. A PUBLIC AGENCY under Ohio law includes the General Assembly, all courts and any department, division, institution, instrumentality, board, commission of the state, county, township, village or city, and the five retirement systems.

I. LEGAL HOLIDAYS: New Year's Day - Jan. 1, Martin Luther King Day - 3rd Mon. in Jan., Washington-Lincoln Day - 3rd Mon. in Feb., Decoration or Memorial Day - Last Mon. in May, Independence Day - July 4, Labor Day - 1st Mon. in Sept., Columbus Day - 2nd Mon. in Oct., Veterans' Day - Nov. 11th, Thanksgiving Day - 4th Thurs. in Nov., Christmas Day - Dec. 25th and any other day designated by the Governor or President of the United States.

J. CONTINUITY OF STATE AND LOCAL GOVERNMENT. In the event that an enemy of the United States attack prevents the Governor and his legally designated successors (Lieutenant Governor, President of the Senate, and Speaker of the House), from serving, then the Secretary of State, Treasurer of State, Auditor of State, Attorney General, in that order, shall exercise duties until a new governor is elected. Each state officer is to designate his emergency interim successors until vacancy can be filled in regular manner. Local legislative bodies are authorized to enact measures to provide for emergency interim successors. Elections may be postponed for not more than six months. Emergency temporary locations for seats of government may be established.

K. PUBLIC EDUCATION in Ohio is the responsibility of two authorities: The State Board of Education, elected by the people, and directing attention primarily to matters through the secondary level; and the Ohio Board of Regents, appointed by the Governor, to be concerned with higher education. Although independent agencies, liaison and a degree of coordination is needed.

L. Any convicted habitual sex offender shall register with the chief of police or sheriff within 30 days of coming into any county to reside more than that time. Such liability continues for ten years after last release.

M. Possession, distribution or sale of LSD and drugs having hallucinatory effect is outlawed.

N. A state supported college or university has authority to withhold use of facilities to members of the communist party and those who advocate violent overthrow of the United States. They may also regulate for law and order on their campus.

O. Physicians, nurses, teachers, social workers must report to a peace officer information regarding unexplained child injuries or physical neglect.

P. There are about 57,000 state employees (not including higher education); most work 40 hours per week with pay rates dependent on grade, title, and classification, and with benefit privileges including sick leave, group insurance, vacation, and retirement.

Q. Ohio is divided into eighteen congressional districts.

R. For establishments employing at least ten persons, equal pay for equivalent work for men and women is mandatory.

S. Desecration of the United States or Ohio flag is penalized.

T. Sale of drugs and articles to prevent conception is permitted. Mothers of dependent children on welfare must be offered family planning services; sexually active minors are also offered the service by federal law.

U. Fine and/or imprisonment may result for persons hampering operations of or failing to obey law enforcement officers, firemen, etc. at fires, disasters or emergencies of any kind. Such areas may be cordoned off.

V. Regional Planning Commissions may be established.

W. Teachers may provide programs on a moral, philosophical or patriotic theme.

To help carry on the intricacies of government there are about 300 Boards, Commissions, Task Forces, Councils, Committees, Authorities, either statutory or created by directive, most of them appointed by the governor, functioning either independently or within Departments. The Legislature also has created a number of such agencies. Below are a few that may not be listed in the text:

Bar Examiners; Board of Barber Examiners; State Board of Pharmacy; Ohio Medical Board; State Board of Cosmetology; State Veterinary Medical Board; State Dental Board; State Racing Commission; State Board of Examiner of Architects; State Board of Optometry; Chiropractic Examining Board; Board of Speech Pathology and Audiology; State Board of Sanitarian Registration; State Board of Nursing Education and Nurse Registration; Reclamation Board of Review; Ohio Educational TV Network Commission; Canal Land Authority; Accountancy Board; Banking Board; Capital Planning and Improvements Advisory Board; Ohio Occupational and Physical Therapy Board; Board of Embalmers and Funeral Directors; State Personnel Board of Review; Environmental Board of Review; Board Registration of Professional Engineers and Surveyors; Ohio Public Defender Commission; Children's Trust Fund Board; ; Legislative Ethics Committee; Water and Sewer Commission; Ohio Housing Finance Agency; Public Health Council; Retirement Study Commission; Water and Sewer Rotary Commission; Women's Information Center; Ohio Legal Rights Service; Ohio Air Quality Development Authority; Ohio Water Development Authority; Higher Education Facility Commission; Legislative Office Building Commission; State Board of Psychology; Ohio Organized Crime Prevention Council; Hearing Aid Dealers and Fitters Licensing Board; Ohio Peace Officer Training Council; Underground Parking Commission; State Criminal Justice Services Supervisory Board; Certificate of Need Review Board; Ohio Optical Dispensers Board; Ohio Public Facilities Commission; Motor Vehicle Dealers Board; Office of Weatherization; State Board of Landscape Architect Examiners; Commission on Spanish Speaking Offices; State Interagency Council on Spanish Speaking Affairs; Office of Spanish Speaking Affairs; Advisory Board for Hospice Care Programs; State Victim Assistance Advisory Board; Children's Trust Fund Board; and the Ohio Elections Committee.

Judiciary

Courts, where justice is administered, constitute the judicial branch of government. Courts cannot create rights. They can merely protect existing rights which litigants have under the Constitution and the laws of the State. Ohio courts are created by law, some directly by the Constitution and others by statute enacted by the General Assembly, as provided in the Constitution. The Ohio Constitution provides that the judicial power of the State is vested in a Supreme Court, Courts of Appeals, Courts of Common Pleas and Probate Courts, and such other

courts inferior to the Supreme Court as may from time to time be established by law. There are also County Courts, Municipal Courts, Mayors' Courts, Juvenile Courts, and Domestic Relations Courts.

In these courts disputes between litigants are decided, rights are determined and protected, and law is interpreted and applied.

Justices of the Supreme Court, and judges of the Courts of Appeals and Common Pleas Courts must have been admitted to the practice of law for at least six years prior to assuming office; of Municipal Courts, six years; and County Courts, six years. Judges are nominated by the primary party election and then elected from a non-partisan ballot at general elections. Vacancies are filled by appointment by the governor. The Chief Justice may assign any active or voluntarily retired judge to sit temporarily in such a court. Age limit is 70 at the time the judge assumes office.

Judges preside over courts. They do not make laws; they merely interpret and apply them in deciding cases in accordance with established rules of law. They cannot act arbitrarily, nor can they modify or repeal a law. The courts may, however, find that a statute passed by the legislature does not comply with the state or federal constitution, and therefore it is invalid.

Justices of the Supreme Court, and judges of the Courts of Appeals, Common Pleas, Probate, Juvenile, Municipal and County courts form the Ohio Judicial Conference to encourage uniformity, exchange experiences, and improve administration of justice. The State may make appropriations to compensate employees of the Conference.

The legislative and executive branches, as well as the judicial, should act within the powers prescribed by the Constitution. In a sense, it may be said that both the legislative and executive branches of government are held in check by the judicial branch. This does not mean, however, that the power of the judiciary is unlimited. The courts, too, must act within the powers given them.

The Supreme Court

The Supreme Court of Ohio, the highest court in the State, has general supervision over all courts, meets in Columbus where all cases are heard and decided. Decisions made by the Supreme Court involving the Ohio Constitution or statutes become Ohio law.

The court appoints an Administrative Director to assist the Chief Justice, in prescribing rules governing practice and procedure in all courts and files these with the Clerk of the Senate and Executive Secretary of the House, designates uniform record keeping rules and rules governing admission to practice of law and discipline of persons so admitted. The Chief Justice appoints a Legal Rights Service Administrator.

The Supreme Court consists of a Chief Justice and six Associate Justices. The justices have equal power in deciding cases before the court and in making court rules. Each justice is elected by the electors of the state at large for a term of six years. Two justices are elected for a six-year term at each general state

election, that is, in the even numbered years, and the Chief Justice is elected once in six years.

In absence of the Chief Justice the justice with longest total service on that court shall be Acting Chief Justice. The Chief Justice may designate an appellate court judge to substitute for an absent justice.

When a vacancy occurs by reason of death, resignation, or removal, the Governor appoints a justice who serves until his successor is elected and qualified. Such an appointee may be a candidate to succeed himself.

It takes four (a majority) of the justices to constitute a quorum and to render a “decision.”

The term “decision” must not be confused with the term “opinion.” The court’s decision is its judgment, while the court’s opinion is its reason for the judgment.

The Supreme Court has original as well as appellate jurisdiction. Original jurisdiction is the power of the court to hear and determine a case in the first instance, while appellate jurisdiction is the right of the court to hear, on appeal, a case brought to it from a lower court. Cases over which the court has original jurisdiction may be filed directly in the Supreme Court without first being tried in a lower court. These include quo warranto (right of office), mandamus (to compel a public official to perform an act required by law), habeas corpus, prohibition, procedendo, cause on review, admission to practice of law, discipline of lawyers and all matters pertaining to practice of law.

Most cases coming to the Supreme Court are those brought to it for review from lower courts. This does not mean that every case tried in a lower court can be carried to the Supreme Court. Only such cases may be carried up as involve questions raised under the Constitution of this state or of the United States, cases of public or great general interest, cases which were first filed in a Court of Appeals, cases where the decision of one Court of Appeals in Ohio is contrary to that of another Court of Appeals in Ohio upon the same question of law, and cases in which the death penalty has been imposed. Decisions of the Public Utilities Commission of Ohio, Board of Tax Appeals, Environmental Protection Agency, and Power Siting Commission may be appealed.

After a case is properly filed in the Supreme Court, a date is set for hearing when the case is argued before the court by the attorneys. After the hearing is concluded, the justices confer and consider the rights of each party to the lawsuit, and arrive at a decision, guided by established principles of law which govern the facts and issues in a case. When a justice does not concur (that is, agree) with the legal views of the majority, he may express his views by writing what is known as a dissenting opinion.

The decisions and opinions of the Supreme Court are published and bound in volumes which are entitled “Ohio Official Reports.” Prior to 1965, the decisions of the Supreme Court were published in volumes entitled “Ohio State Reports.” All of the Supreme Court merit decisions and merit opinions since 1992 are available online through the court’s World Wide Web site: www.sconet.state.oh.us/ROD.

Courts of Appeals

Ohio is divided into twelve Appellate Districts. Each serves a geographic area that varies from one county (as in the case of three largest counties) to seventeen counties (as in the case of the least populated district). Depending upon the particular district and the volume of business to come before it, each district has between four (the eight county district around Youngstown) and twelve (the Cuyahoga County district) judges. Within each district, any case before the court is decided by a panel of three of the judges. Judges are elected by the electors of each district for a six-year term. Annually they elect a presiding judge and an administrative judge to oversee the operation of their particular court. In multi-county districts, the court itself sits periodically in each of the counties within the district.

The Courts of Appeals decide cases which are brought from the trial courts and from various administrative agencies. If a party to a lawsuit is dissatisfied with a decision rendered in the trial court, or in administrative tribunal, it has an appeal as right to the court of appeals in his district or, in some cases involving governmental actions, to the Tenth District Court of Appeals in Franklin County. The court of appeals has the ability to affirm, reverse or modify the judgment of a lower court.

Once a decision is made by a court of appeals, it is considered to be binding precedent on the lower courts within that district unless reversed by the Supreme Court. If two courts of appeals in this state render conflicting decision on the same point of law, the trial court must follow the decision of its own court of appeals. In the event of such conflict, however, the judges of the court of appeals of the last decided case may certify the record of that case to the Supreme Court for review and final determination. With modernization and computerization of the court of appeals, every case issued by a court of appeals is publicly and easily available for review.

Court of Claims

The Court of Claims, composed of active and retired judges assigned by the Chief Justice from existing courts, sits in Franklin County and has exclusive jurisdiction to hear claims against the state. It also administers victims of crime compensation cases.

Juries

In order to understand better the functioning of the lower courts it is necessary to discuss the “jury.”

There are two kinds of juries - Grand and Petit. The Grand Jury deals with criminal matters only. The Petit Jury deals with both criminal and civil matters. The Grand Jury investigates cases, while the Petit Jury tries cases. The Grand Jury accuses without finding the accused guilty; the Petit Jury has nothing to do with accusation, but determines the guilt or innocence of the accused in a criminal case.

Jurors, both Grand and Petit, are selected in the following manner:

Every year the Jury Commission, two persons appointed by the Common Pleas Court in that county, makes up a list of voters selected as qualified for jury service. The Jury Commissioners then write the names of these persons on separate pieces of paper, uniform in size, quality and color, and deposits the slips in the jury wheel. The wheel is locked and remains locked unless the Court orders it to be opened for the purpose of placing new names into it or drawing names out. The wheel is so constructed that by turning it, the slips of paper are thoroughly mixed and the names are concealed until withdrawn.

Automatic data processing equipment may also be used by the jury commissioners in the selection of jurors. The equipment must be kept securely locked when not in use, and must mix the data processing punch card ballots thoroughly without exposing them. Ballots are selected according to a key number system. When the names are to be drawn, the Jury Commissioners, on order of the Courts and in the presence of the Sheriff, turns the jury wheel, or operates the data processing equipment, and draws out the Grand and Petit Jurors. There may be more than one jury draw per year as ordered by the court.

The Grand Jury is composed of nine jurors. The law gives the Common Pleas Court the right to select anyone whom it sees fit to serve as foreman. Usually the person so appointed is one of prominence and has the confidence of the community.

The proceedings of the Grand Jury are secret. In fact, they are so secret that not even the Prosecuting Attorney is permitted to be present when the members of the jury express their views or vote whether to indict. The only time the Prosecuting Attorney is permitted to be in the Grand Jury room is when he questions witnesses, or otherwise directs the investigation. Within 60 days, the Grand Jury alone determines what action is to be taken.

When at least seven of the nine jurors agree to formally accuse someone of a crime, they return an indictment, which is also known as a “true bill;” otherwise they return what is known as a “no bill.”

The Grand Jury must visit the county jail four times during each year and examine its management, condition, discipline and treatment of prisoners, and reports to the court in writing whether the rules prescribed by the court for the conduct of the jail are being observed.

The Petit Jury is the trial jury, composed of twelve electors in criminal felony cases, eight electors in criminal misdemeanor cases and any number of electors up to eight in civil cases. These people are selected from a jury wheel or automatic processing equipment in a similar manner in which the Grand Jury is selected. The compensation of each juror is fixed by the board of county commissioners and cannot exceed \$40.00 per day. Jurors can be excused from serving for the following reasons:

- Juror will be absent from the county on the day of trial.
- The interests of the public or the juror will be injured by the juror’s attendance at the trial.
- The Juror is physically unable to serve.
- The juror’s spouse or near relative has recently died or is dangerously ill.
- The juror has been called for jury duty during the same jury year.
- The juror is a cloistered member of a religious organization.

Where, in the opinion of the presiding judge, a trial is likely to be prolonged, one or more alternate Jurors, up to six, may be selected at the same time to enable them to take the place of any juror who may during the course of the trial die, become incapacitated, or disqualified.

In empaneling a jury, the trial judge and the lawyers for each side have the right to question prospective jurors to determine whether they will be fair and impartial to both sides, and may excuse them from serving as jurors on a particular case.

As previously stated a Petit Jury tries only questions of fact, while questions of law are determined by the trial judge. After all the testimony has been introduced and the arguments of the lawyers are completed, and before the jury retires to the jury room to arrive at a verdict, the trial judge instructs them on the law applicable to the case. This is known as the Court's Charge to the Jury. Its purpose is to enable them to decide the facts in accordance with the law.

When they retire to the jury room, they elect as foreman one of their number, who presides over the deliberations, which are secret. In deciding upon a verdict, the jury must weigh all the evidence in the light of the law given to them by the court. It is the duty of the jury to try to find the truth and to base the verdict upon it.

In a civil case, it is sufficient if 3/4 or more members of the jury agree upon a verdict, but in a criminal case, all jurors must unanimously agree before a verdict of guilty may be obtained. If the required number of jurors fails to agree on a verdict, the jury reports this to the judge. If the judge is satisfied that there is no probability of agreement, the jury will be discharged and a mistrial declared. In such event, the case must be tried over again before a new jury.

When, however, a verdict by the required number of jurors is reached, the jury returns to the trial room and the foreman announces this to the Court. He hands the signed verdict to the Clerk, who reads it and inquires of the jury (in a civil case) whether it is the verdict of 3/4 or more of their number, or (in a criminal case) whether it is the verdict of all of them. If the answer is in the affirmative, the verdict is accepted as the verdict of the jury. Counsel for either side may then request that the jury be polled. This means that each juror is asked separately whether or not the verdict as returned is correct. In both civil and criminal cases, each concurring juror must sign the written verdict.

A verdict is not effective until a judgment based upon it is rendered. A verdict represents the jury's findings of facts only. The judgment represents the Court's legal conclusions derived from the facts as found by the jury. Both are necessary for a final determination of the case. It is for this reason that a verdict, to be effective, must be followed by a judgment of the Court as pronounced by the judge.

Court of Common Pleas and Trial Procedures

Each one of the eighty-eight counties in Ohio has, at its county seat, a court known as the Court of Common Pleas. Some of these courts have only one judge, others have more, according to the size and needs of the county's population. The

court is created by the Constitution but the number of judges is prescribed by the Legislature. These judges are elected for a six-year term. Regardless of the number of judges in this court, it is regarded as one court. In each county there must be a Probate Division. In larger counties a Court of Domestic Relations is established as a branch. The Common Pleas Court has original jurisdiction to hear civil cases of \$15,000 and above.

The Court of Common Pleas is known as a trial Court, as distinguished from an appellate Court, although it acts as a Court of Appeals over matters arising from the Department of Administrative Services, the Industrial Commission, the County Commissioners, and other inferior boards and tribunals.

There are two types of cases in the Court of Common Pleas - Civil and Criminal. In the civil area, two classes of cases should be tried, cases in law and cases in equity. Law cases may be tried before a judge and jury, while equity cases are tried only before a judge. Criminal cases are tried before a judge and jury, a judge alone, or a three-judge panel without a jury at the election of the defendant if the charge is aggravated murder with a death penalty specification and the defendant waives a jury. In a civil action, the litigants (parties) may settle their differences without going to trial.

In civil cases a law suit is started when the party suing, called the "Plaintiff," files with the Clerk of the Common Pleas Court a legal paper called a "Complaint" in which he sets up his claim against the party being sued, the "Defendant," and a "Precipe" demanding that summons be issued.

After the complaint is filed, the Clerk serves upon the defendant by mailing a summons to the defendant by certified mail, return receipt requested. If personal service is requested by the plaintiff's attorney the clerk's office sends a copy of it, together with a summons, to the Sheriff's office for service upon the defendant. A Deputy Sheriff then serves the summons upon the defendant and also provides a copy of the plaintiff's complaint. In this manner, the defendant is notified of the lawsuit and complaint. The defendant is given a specified period of time, by law, within which to file an answer, setting up a defense, if any. After the answer is filed and discovery is completed, the plaintiff either does or does not file a reply. As soon as these papers have been filed, and discovery is completed, the case is ready for trial but must wait its turn. Cases are usually tried in the order in which they are filed, but for special reasons may sometimes be taken out of regular order and advanced for early hearing or delayed for later hearing.

All trials are conducted in public. This is true of both civil and criminal cases. Criminal cases must be tried within a time limit set by law.

Each party to the lawsuit has the right to be in the courtroom during the trial. Witnesses are permitted to remain in the courtroom during the trial unless a party moves for a "separation of the witnesses." This means that witnesses must remain outside the courtroom until called to testify. In this way witnesses do not hear and cannot be influenced by what other witnesses have to say.

At the beginning of the trial, the attorney for the plaintiff makes an "opening statement" which explains the nature of the client's case and what evidence will be introduced in support of it. Then the attorney for the defendant makes an opening statement, explaining the nature of the client's defense and what

evidence will be introduced in its support.

After these preliminaries, the examination of the witnesses commences. Plaintiff's witnesses testify first. Both plaintiff and defendant may be witnesses in their own behalf. Witnesses testify by answering questions put to them by the lawyers in the case. Before testifying, they take a solemn oath to tell "the truth, the whole truth and nothing but the truth." If a witness testifies falsely, a crime known as perjury is committed. Such a witness not only commits perjury, but also commits Contempt of Court, which may be penalized by the trial judge.

When a lawyer questions a witness summoned on behalf of a client, the questioning is called "direct examination." Questioning a witness who has testified for the opponent is called "cross-examination." When the direct examination is finished, the cross-examination commences. Testimony cannot include "hearsay" but must be limited to what a witness has actually personally seen or heard, so long as what they heard is not "hearsay."

When the examination and cross-examination of witnesses are completed, the lawyers deliver their closing arguments, in which they sum up and interpret the evidence introduced. These are followed by the court's charge to the jury (if the case was tried before a jury). This charge is delivered orally, but if either party to the lawsuit, before the final arguments, requests that the charge be given in writing, it is so given.

In criminal cases, the same general procedure is followed. When a person is indicted for the commission of a felony, a crime punishable by imprisonment in the State Prison or by death, the person is arrested and is served with a copy of the indictment. After the arrest, he is entitled to the services of a lawyer. If the defendant is indigent, that is to say, if his income and property is less than the state established minimum, the court must appoint a lawyer if the possible penalty could be jail or imprisonment. If it is desired to appeal from the judgment of the trial court, the person is also entitled to a lawyer. The accused is later brought into court, where the indictment is read and he is asked whether he pleads "guilty" or "not guilty." This is known as an Arraignment. An arraignment is held in accordance with the Ohio Constitution to inform the accused of the nature of the crime and to provide an opportunity to declare guilt or innocence in open court.

If the plea is guilty, nothing remains but to pass sentence. Pleas of guilty are, however, accepted by the courts with caution. The accused are fully apprised by the court of their rights and only after the judge is fully satisfied that the plea of guilty is made willingly and with full knowledge and appreciation of the nature and consequences of such a plea, is such a plea accepted. If the plea is not guilty, the person is entitled to a trial. Under the Constitution, a person awaiting trial may be "bailable" by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required. A convicted person shall be sentenced or placed on probation within 15 days after the judge receives a completed probation report.

Under the Constitution the accused is entitled to a trial by a fair and impartial jury. If he files with the Court an affidavit claiming that such a jury cannot be obtained in the county where the crime was committed (where under the law he

must ordinarily be tried), and if the Court is satisfied, that such jury cannot in fact be obtained in that county, the judge may order that the accused be tried in some other county. This is known as a change in venue.

Under the Constitution the accused has the right to refuse to testify. Formerly the Ohio Constitution permitted the prosecutor to comment on the failure of the accused to testify, however, the United States Supreme Court has now held that this is not allowed under the United States Constitution.

Before sentence is passed, the accused is asked by the trial judge if he has anything he wishes to say to the court and to justify why sentence should not be imposed. If he fails to show a legal reason why sentence should not be imposed, sentence is pronounced according to law.

Most courts of common pleas have specialized divisions created by statute to decide cases involving juveniles, the administration of estates, and domestic relations matters. Only seven courts of common pleas have no specialized divisions: Adams, Harrison, Henry, Morgan, Morrow, Noble, and Wyandot counties.

Common pleas judges are elected to a six-year term on a non-partisan ballot. A person must be an attorney with at least six years experience in the practice of law to be elected or appointed to the court.

The Probate Division has jurisdiction in probate and testamentary matters such as estates of persons who have died, the appointment of administrators and guardians, the settlement of the accounts and sale of lands of executors, the issuance's of marriage licenses, the adjudication and commitment of the mentally ill, adoptions and such other jurisdiction in any county as may be provided by law.

The Juvenile Court has jurisdiction over such children under eighteen years of age, as well as their parents, guardians, or other persons who are responsible for their delinquency, neglect, abuse, unruliness, or dependency.

Any child who violates the law which would be a crime if committed by an adult is classed as a "delinquent child" except for traffic violations. Then the child is a "juvenile traffic offender." The child is designated as an "unruly child," if habitually disobedient, truant from home or school, tries to marry without consent, violates laws applicable only to a child, works illegally or associates with undesirable persons. A child abandoned, or lacking proper parental or custodial care including subsistence, education, medical care, or special care necessitated by a mental condition is designated a "neglected child." The Juvenile Court may step in and do what it considers best for the welfare of such children.

When a complaint is made or filed against a minor or against those who neglect, abuse, or contribute to the delinquency of a minor, in many counties a probation officer is assigned to the case after it is heard. If the minor and his parents are indigent, counsel may be assigned. When the case is heard, the prosecuting attorney, or their assistant, presents all the facts before the judge. After such hearing, the court may permit the child to remain with his parents or guardians, but under the supervision of a probation officer. The Court may also remove the child from the parents and place in a foster home, or it may commit the child to any proper institution within the county or to the Ohio Department of Youth Services.

Domestic relations courts have jurisdiction over all proceedings involving divorce or dissolution of marriages, annulment, legal separation, spousal support, and allocation of parental rights and responsibilities for the care of children.

Municipal Courts

Municipal Courts have been established by the legislature in 117 cities and selected counties with elected six-year term judges. The number of judges is determined by population, one judge for first 100,000 and an additional judge for each 70,000 or part thereof. In a municipal court having two judges, the judge whose term next expires serves as Presiding Judge. In courts with three or more judges, the Presiding Judge is selected by the judges of the court. When population exceeds 100,000 a Clerk must be elected. The Municipal Court has criminal jurisdiction over all misdemeanors. The court may conduct preliminary hearings of those accused of committing a felony within the municipality. If, in the opinion of the judge, as a result of the evidence presented, the accused may be guilty of the felony with which he is charged, the judge binds him over to the Grand Jury. In 55 counties the jurisdiction of the Municipal Court extends to the entire county.

A Municipal Court has original jurisdiction only in those civil cases where amount claimed does not exceed \$15,000.

Each Municipal and County Court has a Small Claims Division conducted by a judge or court-appointed referee (attorney) with money recovery jurisdiction only, not to exceed \$3,000.

The position of Environmental Judge was established by the 119th General Assembly as a division of the Franklin County Municipal Court effective January 8, 1992. This court handles civil and criminal cases that deal with the enforcement of any local building, housing, air pollution, sanitation, health, fire, zoning or safety code, ordinance or regulation. It generally deals with those things that give a neighborhood an appearance of neatness, order, and proper use.

In the Municipal Court, cases are tried before a judge or if demanded in writing, before a judge and jury. The procedure in this court is similar to that of the Common Pleas Court, except in all civil cases the jury consists of eight persons unless a fewer number is requested. In all criminal cases the jury consists of eight members.

County Court

A County Court was created in each county, effective January 1, 1958, in which the territorial jurisdiction of the municipal court is not co-extensive with the boundaries of the county. This court has jurisdiction throughout a county of all territory not under a municipal court. It is now a court of record.

This court has jurisdiction in motor vehicle violations, other misdemeanors and all other actions in which justice of the peace courts previously had jurisdiction.

Justice of the Peace Courts ceased to exist as of the above date. This court has original jurisdiction with the Common Pleas Court in all civil cases in which the amount to be recovered does not exceed \$3,000.

The number of judges in each County Court district is determined by population (one if less than 30,000; two if less than 60,000; three if less than 90,000; four if less than 120,000; five if less than 150,000; eight if less than 450,000; if more than 450,000, twelve).

In counties having more than one County Court Judge, the Court of Common Pleas may divide the County Court district into areas and designate the judge. Court jurisdiction is limited to causes of action arising only in his area except under certain situations. These judges, attorneys with six years of experience, are elected for six-year terms.

County Government

As the national government is divided into fifty states, the government of the state of Ohio is divided into eighty-eight counties. Each county is a definite limited territorial part of the State with a government of its own centered in the county seat where the county courthouse is located. The courthouse is the office building for the county and the home of the local judicial system.

Although county government touches the individual citizen more frequently and more closely, the average citizen has little knowledge about its operation.

The county as a political unit has a long history. In a substantially similar form, it functioned in England from earliest days. All fifty states are divided into counties although Alaska designates them as boroughs and Louisiana designates them as parishes. The Ordinance of 1787 directed the Governor of the Northwest Territory to lay out the parts of the district which were clear of Indian titles into counties and townships, subject to later alterations to be made by the Legislature. Counties existed in Ohio before the state itself. The first counties in the state were Adams, Belmont, Clermont, Fairfield, Hamilton, Jefferson, Ross, Trumbull and Washington.

The county is an arm of the state for the purpose of political organization for local administration. It must administer the laws passed by the Legislature. Major sources of revenue to counties include voted and un-voted property taxes and permissive taxes including a county sales and use tax, real estate transfer tax, motor vehicle tax, and a hotel and motel tax. Most county property taxes are voted on by the electorate for certain specific services such as for protection of children, senior citizens services, assistance to individuals with mental retardation or developmental disabilities, and drug addiction services and programs. Permissive sales and use taxes are levied up to a rate of 1.5% in addition of the state rate of 5.5% and are the primary source of general operational support for counties. A permissive motor vehicle license tax may be added "on-top-of" the state \$20 fee and is used exclusively to build and maintain roads and bridges. The permissive hotel and motel tax is used by convention and visitors bureaus to promote tourism and similar activities.

The county is a unit of government. The electorate may vote to change the form

of government to either an alternative form of county government or to a charter government. Only Summit and Cuyahoga County has taken advantage of this option when they adopted a charter in 1979 and 2011 respectively. Summit County is governed by individual county councils and a county elected executives.

Of the eleven members of the Summit county council, eight are elected by district and three at large. Two Commissioners, Prosecuting Attorney, Clerk of Courts, Sheriff, Recorder, Treasurer, Engineer and Coroner are elected to four-year terms in presidential election years. The third Commissioner and the County Auditor are elected to four-year terms in the alternate even numbered years which coincide with election of officials of the Governor. Judges have six-year terms.

Vacancies in judicial posts are filled by the governor, while with the other elective offices, the county central committee of the political party of that replaced official makes the appointment until the next regular election. The Board of County Commissioners appoints replacement of an independent and may appoint an acting interim officer.

County Commissioners

County Commissioners are three in number, elected for a four-year term, two in same year as the President and the other in the year of the Governor's election. Counties may have a County Administrator. These principal executive officers of the county form the County Board of Commissioners which acts as the business representative of the county and may be called its guardian in the sense that it is responsible for financial matters, making all contracts and transacting business generally. The Board manages and controls county property and corporate business, exercises financial rights, makes police regulations and has full charge of all county affairs except those specifically given to other officers. County Commissioners serve as the taxing authority of the county and must adopt the county budget and allocate monies among other county elected officials and other county departments. The County Auditor is the Secretary of the Board, but if necessary, a "clerk" may be appointed to keep full records of all transactions. A majority of the Board constitute a quorum. Fifty regular sessions are required annually.

As a general rule, the County Commissioners have authority to do whatever the county might do if it were capable of rational action having in mind that the powers of the county are only such powers of the State as are delegated by the State to the county. The County Commissioners have applied powers to carry out the general purposes of county organization and local government. They can contract for the erection of any buildings for the county's use, such as the courthouse, county infirmary, children's home, jail, sanatorium, alcohol treatment and control center, fairgrounds, memorial building, stadiums and any other county institution, and after the buildings are erected, they have exclusive charge and control of their operation. They have exclusive control of the county highways and ditches and of the proper sanitary measures to safeguard the health of the people of their county. The Commissioners are responsible for the operation of the County Department of Human Services and the implementation of welfare reform, they are also the front line in collecting child support and in protecting

abused and neglected children. They may establish a County Public Defender Commission. They may maintain a zoo, create a regional airport authority, appoint a transit board, hospital board, establish sewer districts and sub districts, technical institutes, help support symphony, choral and educational lecture associates and own transit systems.

County Auditor

The County Auditor is entrusted with important duties and charged with heavy responsibilities as the fiscal officer of the county and the agent of the people. The Auditor is required to keep an accurate account current with the Treasurer of the county, showing all monies paid into the treasury, the amount thereof, the time when, by whom, from what source and to what funds paid. Warrants must be issued on the Treasurer for all monies payable from the county treasury, but a warrant can not be issued for the payment of any claim against the county, unless allowed by the Commissioners, except where the amount due is fixed by law, or is allowed by an officer or tribunal authorized by law to do so. The warrants must state the name of the party entitled to receive the money, upon what account and upon what allowance and a record must be kept showing the number, date, amount, in whose favor, for what purpose and to what fund. In other words, except in very few cases, no public money can legally get into or out of the county treasury without the Auditor's approval. No unit of county can authorize the expenditure of funds for any purpose without having a certification of the county auditor stating the funds are on deposit in the county treasury or in the process of collection. The Auditor is, in effect, the watchdog of all county funds.

An important duty of the Auditor is to appraise real estate for tax purposes, maintain real estate records, keep records of lands and buildings, types of buildings, sizes of lots, keep records of new buildings, remodeled buildings, destroyed buildings, types of buildings, sizes of lots, and records of real estate tax lists and transfers. The Auditor receives returns on classified property, distributes estate tax, computes all real estate tax accounts, distributes all special assessments, and makes out payrolls for county employees. The Auditor is the Clerk of the Board of County Commissioners, of the County Building Commission, Budget Commission, Board of Revision, Sealer of Weights and Measures, and the Chief Administrator of the Data Processing Board.

The County Auditor is compensated by a salary based upon the population of the County. All fees, costs, etc. fixed by Statute must, therefore, be handled as public money and turned into the treasury.

In as much as the Count Auditor, although not actual custodian of the money belonging to the county, has the control of such money fixed by statue, the office must work cooperatively and harmoniously with the County Treasurer. It can readily be observed that the offices of County Auditor and County Treasurer, as the Legislature intended, should operate as a check and balance on each other.

Prosecuting Attorney

The Prosecuting Attorney of the county represents the state in all legal matters in

which the state is concerned that arise in that county, including representing the registrar in motor-vehicle point system violations. Such matters are principally of a criminal nature, since crime is prosecuted in the name of the state, not in the name of the county. Since there are no Statutes directing the use of this power, the Prosecuting Attorney has broad powers of investigation. He/she presents all cases of probable crime to the Grand Jury and if such “presentment” results in indictment, it is his/her duty to proceed promptly to prosecute the defendants in the Court of Common Pleas.

Among the civil duties, the prosecuting attorney acts as legal advisor to all county and township officers and acts as counsel in the case of a suit for or against such officer. When lands on which the taxes have become delinquent are certified to the office for collection, it is the duty to follow the statutory course and attempt such collection. The Prosecuting Attorney represents the Board of Elections, Board of Health and all school boards in the townships and villages. It is his/her duty to bring action if satisfied that public money is about to be misapplied, withdrawn, or withheld from the county treasury and to restrain the completion of a contract on behalf of the county if it has been procured by fraud or corruption. This result is a representation of over 100 separate units of county government.

The Prosecuting Attorney is a member of the County Budget Commission, and has the power to appoint whatever assistants deemed necessary to handle criminal and civil matters arising in the office. Salary is based on the population of the county.

Sheriff

The Sheriff is the chief law-enforcement officer of the county and directly represents the sovereignty of the State. The Sheriff and the mayors of the municipalities in his county are representatives of the governor in the enforcement of the laws. The Sheriff jurisdiction is coextensive, including all municipalities and townships. He/she may appoint one or more Deputy Sheriffs in accordance with the volume of work and must keep the office at the county seat.

The duties of the Sheriff deal with criminal and civil matters. In criminal matters it is the Sheriff’s duty to preserve the public peace within the territorial limits of the county and to cause persons guilty of such breach of peace to appear in the proper court in answer to such charges. He/she is charged with the safekeeping of the county jail and the custody of the prisoners. The Sheriff must defend it against all rioters and for this or any other purpose in the execution of his duties, and may command inhabitants of the county to help him. Further, the Sheriff is charged with keeping all moneys collected in the process of the administration of justice and must account for the same at any time designated by the court. The Sheriff serves all summons for parties in law suits and other processes, such as levying of writs of attachments, executions, etc., makes arrests in both civil and criminal actions, summons the grand jury and trial juries, has custody of the jurors during a trial, conducts sale of real estate and other property under the order of the court.

The Sheriff is responsible to the County Commissioners for the faithful performance of all duties of the office and is liable civilly. In the case of temporary inability to serve, the court of common pleas or one of its judges appoints a suitable person.

County Recorder

The County Recorder makes a complete record of deeds and other legal instruments authorized by law such as powers of attorney, records of mortgages, of plats and maps, and of leases and land contracts. In fact, any paper or writing of which a permanent record is desired may be recorded. The office may record veterans' discharge papers, mechanics liens, federal tax liens, insurance agents' certificates, chattel mortgages, certification of the Clerk of Court for appearance bonds in criminal cases. Fees are charged for these services. The County Recorder serves on the Data Processing Board.

County Treasurer

The County Treasurer is the officer in charge of the money belonging to the county and is charged with the annual collection and custody of this public money. The Auditor furnishes the Treasurer with full information as to the amounts to be collected from each person by means of records known as "General Duplicates" or "Special Duplicates." The Treasurer may appoint deputies to serve as agents, who serve at his/her pleasure and may be required to execute a bond in his/her favor.

The Ohio Revised Code requires that all county obligations and employee compensation be paid by warrant of the County Auditor. Such warrants are returned to the County Treasurer by the public depository serving as a warrant clearance account. The Treasurer issues a treasurer's check to the depository. Each official acts as a check and balance for the other.

The Treasurer must make a daily statement to the Auditor showing the amount of taxes received and credited to the various funds, total amounts paid out and the balance in the treasury. The Treasurer must close the books at the end of each semi-annual collection of taxes and make a statement to the Auditor. This statement shows the amount paid to each taxing district and to the state. The Treasurer can assess penalties on the tax duplicates for nonpayment; if the penalties remain unpaid, the land is subject to foreclosure or forfeit to the State. In the case of personal tax delinquencies, the Treasurer can enforce collection through the Common Pleas Court.

The Treasurer is the investment officer for all county funds, and serves on the Budget Commission, Board of Revision, the Data Processing Board, and Microfilming Board.

Clerk of Courts

The Clerk of the Common Pleas Court has complete charge of the records of all lawsuits arising in that court. As previously described, in order to commence

a lawsuit, a Petition must be filed with the Clerk of Courts, and a “summons” will be issued by the Clerk. The Clerk must make a complete and permanent record of every case filed in the court and must also keep proper indexes showing the plaintiff and defendant in alphabetical order. The clerk is charged with the safekeeping of all papers delivered to the office in every action or proceeding. This aids in preserving the rights of litigants and also aids in preserving title to real estate.

Under special statutes the Clerk is responsible for the issuing of certain licenses and also for the recording and transferring certificates of title for automobiles and other chattels which may require a bill of sale, and the collection of sales and use taxes on automobiles. Notaries Public must record their commission with the Clerk of Courts in order for their commissions to be valid.

County Engineer

The County Engineer, a registered professional engineer and licensed surveyor, has charge of the construction, maintenance, and repair of all bridges and highways within the county which are under the jurisdiction of the County Commissioners. The County Engineer prepares tax maps for the County Auditor.

Coroner

The Coroner’s duty is to investigate all violent deaths whether accidental or intentional. Most of the work is determining the cause of death in case of murder or manslaughter, or of any person not attended by a physician; makes a record of findings and files this with the Clerk of Courts.

The Coroner may, under certain circumstances, act as sheriff and, in the case of extended illness or absence of two commissioners, may serve as an acting County Commissioner if needed to establish a quorum and conduct business.

County Budget Commission

The County Budget Commission consists of the County Auditor, the County Treasurer, and the Prosecuting Attorney. The Commission meets each year on the first Monday in August at the office of the Auditor, who is its secretary. One of the other members is elected chairman of the Commission. Its principal duties are to adjust rates of taxation and fix the amount of taxes to be levied in each subdivision in the county such as cities, townships, and school districts. Such subdivisions on or before July 15th each year are required to adopt a tax budget for the next succeeding fiscal year, and submit the same to the County Auditor. Their budgets are laid before the County Budget Commission, together with such other information that the Commission may require. The Budget Commission then determines and certifies to each subdivision, the estimated unencumbered balances and receipts of each fund of the subdivision, and if a tax is to be levied for such fund, the estimated revenue to be derived therefrom, the rate of tax levy therefore and the total appropriations that may be made therefrom.

All actions of the Commission may be appealed to The Board of Tax Appeals. By petition and approval of the electorate, a county may have two additional

members elected to the commission.

Other Boards include Board of Revision (Auditor, Treasurer, and the chair of the County Commission) who hears complaints as to value of real estate for tax purposes; Microfilming Board (Treasurer, Auditor, Common Pleas Court Clerk, Recorder, County Commissioner representative); Data Processing Board (Same); Local Cluster for Services to Youth.

Board of Elections

The Secretary of State is the chief election officer of the State and appoints all members of Boards of Elections in the manner provided by law and is their adviser in all matters having to do with the conduct of elections. Upon the recommendation of the respective party executive committees, the Secretary of State appoints two members from each party to the Board of Elections. This four member, bi-partisan Board selects one of its members as Chairman, and someone other than a member and of another political party as Director.

The Board of Elections provides booths and all types of voting equipment including ballot boxes, books, maps, and all other papers and forms in connection with elections; shall provide for the registration of electors, count the votes and perform all other duties in connection with elections. They must designate two assistant clerks, one from each party, to deliver to and collect ballots from qualified disabled electors in private and public institutions. They shall divide each political subdivision into precincts and appoint four competent persons as judges and clerks who shall constitute the election officers of each precinct. The judges and clerks shall be appointed in equal numbers and from between the two major political parties, and have charge of the polling places. In some precincts only two judges are appointed.

Board of Health

The Mayors of the villages and President of the Board of Township Trustees organize the Board of Health. This Board safeguards health of the people, and pupils in local schools. This Board takes steps to prevent epidemics of disease by assuring the purity of the water supply and taking whatever measures necessary to preserve the general health of the community. A Health Commissioner, nurses and such other help as may be needed, may be hired.

County Educational Service Center

The County Educational Service Center Governing Board is a legal entity and an involuntary division of the state, created by law, exercising only those powers legally delegated to it to administer the public schools within the county exclusive of those in a city or exempted village school district. The Board employs the superintendent and other supervisory personnel, supervises the local school districts and may operate special education classes.

The Boards consists of five members elected for four-year terms on a non-partisan ballot in odd numbered years.

Public Libraries

Public libraries in Ohio are supported primarily by revenue from the state personal income tax, distributed to them through the Library and Local Government Support Fund. The county may allocate as needed, but not to exceed one mill, for the county free library whose six-member bi-partisan board of trustees is appointed by the court of common pleas. Consequently, free library service is available to all residents of the county. At present there are association, county district, county, joint school district, municipal, school district and township libraries, as well as college or university libraries giving community service with a difference in controlling boards.

Miscellany

One community in each county is the County Seat. The Court of Appeals for the District in which the county is located must sit in the county seat at least once during each term of the court.

Indebtedness of a county is limited in accordance with a tax list.

Each county officer or department head shall file with the clerk of the Board of County Commissioners and County Auditor an annual inventory of county property.

County Courts, Court of Common Pleas, as well as the Grand Jury, have been discussed under "The Judicial" on preceding pages.

Commissioners must establish a County Human Services Department, with a County Human Services Advisory Board to administer public assistance and social service programs. Services also include general relief, emergency assistance, social services, Medicaid, and food stamp program. Employable persons must register for and accept appropriate available employment.

Counties also appoint special purpose boards that deal with specific problems. The Board of Developmental Disabilities provides school programs for youth and employment training programs for adults with developmental disabilities. An Alcohol, Drug and Mental Health Services Board coordinates programs of counseling and treatment for persons with menial disorders or individuals experiencing alcohol or drug addiction. Some counties have a separate Children Services Board to protect abused or neglected children and who coordinate foster and adoption services. In counties that do not have a Children Services Board, these functions are performed by the Department of Job and Family Services.

Other Boards and Commissions may be established as the need arises.

Townships

Just as the state is divided into counties, the counties are divided into Townships

for local government purposes. The statutes state that a township is a “body politic and corporate, for the purpose of enjoying and exercising the rights and privileges conferred upon it by law.” It is a territorial and political subdivision of the State, established exclusively for the public purposes connected with the local administration of government. The principal officers of a township are three Township Trustees and a Fiscal Officer, elected for four year terms, Police, Constable and possibly an appointed Administrator. The township has the right to tax and is called a “taxing district.” One of its primary functions is to act as an instrumentality of the Legislature to raise taxes for public purposes and to effect its just and proper distribution among those for whom it was intended.

Township Trustees have virtually the same jurisdiction over the property of the township that the Board of County Commissioners has over the property of the county. Their duties with regard to handling the business affairs of the township are also similar. They also have certain duties about providing township office space, admitting indigent persons to the county infirmary, controlling animals running at large, settling controversies over partition fences, constructing township ditches and roads, may participate in regional planning commissions, establish township police districts, and joint hospital boards. In many instances townships actually do not function as such but delegate their official duties to the municipality. Township trustees furnish fire protection, adopt fire codes, usually financed by local levies, and regulate parking, except on state or national roads. The Constable, as the police officer of the township, is charged with certain duties regarding law enforcement. Ohio has 1,311 townships.

Municipal (City) Government

A municipal corporation in Ohio may be defined as a body politic and corporate consisting of the inhabitants of a definite area of contiguous territory and of such territory itself, established under the authority of the State, with perpetual succession, with the right to own and hold property, to levy and collect taxes, to construct local public improvements, to enter into agreements, to own and operate public utilities, to adopt and enforce local police and sanitary regulations, and to exercise the powers of local self-government.

Ohio Constitutional Provisions

Article XIII, Sec. 6. Organization of Cities, etc.

“The General Assembly shall provide for the organization of cities, and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power.”

Article XVIII, Sec. 2, General and Additional Laws.

“General laws shall be passed to provide for the incorporation and government of cities and villages; and additional laws may also be passed for the government of municipalities adopting the same; but no such additional law shall become operative in any municipality until it shall have been submitted to the electors thereof, and affirmed by a majority of these voting thereon, under regulations to be established by law.”

Article XVIII, Sec. 3 Powers

“Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general.”

Article XVIII, Sec. 7 Local Self-Government

“Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government.”

Classifications and Sub-Divisions

Under Sec. 1 of Art. XVIII of the Constitution, municipal corporations in Ohio are classified into cities and villages, on the basis of whether or not their population is five thousand or over. Ohio has 241 cities and 701 villages.

Generally, a city is divided into Wards. The Board of Elections sub-divides each Ward into Precincts for election purposes.

Plans for Government

If there is no specific plan voted, a city automatically comes under the statutory form which provides for an elected legislative authority of not less than seven nor more than seventeen together with a mayor, auditor, president of the legislative authority, treasurer and director of law to be elected and directors of public safety and public services appointed by the mayor.

A village incorporation is effected by petition to the county commissioners. Its legislative authority is an elected four-year term six-member council while the executive power is vested in a mayor, clerk, treasurer, marshal, street commissioner, and others. If a village owns a public utility there is either a village administrator or a three-member four-year term board of trustees of public affairs.

A city may adopt one of several plans for its government such as a Commission, a City Manager, or a Federal plan. Since the statutory form is probably the most commonly followed in Ohio, further discussion of city government (for the sake of simplicity) will be limited to the consideration of how this statutory or Mayor-Council form generally functions.

Powers

Under the Ohio Constitution, previous to the adoption of the Home Rule Amendment in 1912 (Art. XVIII) municipal corporations in their public capacity, possessed powers, and such only, as were expressly granted by statute and such as might be implied as necessary to carry into effect those which were expressly granted. Since 1912, cities in addition to powers conferred on them by statute are authorized to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations as are not in conflict with general law. To provide for the exercise of such constitutional powers, a city may operate under a charter which has been adopted by vote of the electors of the city. Such city is governed by such

charter in the exercise of all powers of local self-government but in matters involving the police power the state statutes control. For example, state statutes defining crimes, imposing uniform traffic regulations, and regulating health and sanitation, govern in the entire state.

The powers and functions exercised by cities are of two classes: (a) public or governmental, and (b) private or proprietary. In their public capacity, cities function as agents or instrumentality's of the State, while in their private capacity cities are regarded as the agents of those residing or owning property within the territorial limits.

Examples of governmental activity are the exercise of police powers and operation of a police department, maintenance of a fire department, establishment of health measures and precautions, construction of sewers and drains, provision for garbage disposal, maintenance of workhouse and municipal hospital, issuance of permits, levy of taxes, issuance of bonds, improvement and maintenance of streets, sidewalks, parks and other public municipal property.

In its proprietary capacity a city may acquire, maintain and operate public utilities, such as water works, electric power plants, transportation systems, etc. Municipal corporations are not limited to providing for the material necessities of their citizens; they may minister to the comfort, health, pleasure or education of their citizens as well. They are not limited to policing the corporation, to paving the streets, to providing it with light, water, sewers, docks and markets. The power of cities and villages to maintain institutions which educate and instruct as well as please and amuse their inhabitants, such as museums or zoos is unquestioned. Public funds may also be expended to provide exhibits, monuments, statues, gates, archways, publications and other public projects.

The powers of a city can be exercised only through officers elected or appointed for such purpose.

The Executive power and Administrative authority of cities is vested in a Mayor, President of Council, Auditor, Treasurer, Director of Law, Director of Public Service, Director of Public Safety and others.

The Legislative power is vested in and exercised by a body designated as the City Council.

Although a city has no judicial powers, certain of the State's judicial functions are exercised in the Municipal or Mayor's Court.

The business offices of a city are generally housed in a building designated as the City Hall.

Generally, the territorial extent of jurisdiction for the exercise of the governmental power of a city is limited to and cannot be exercised beyond the corporation limits, but special laws authorize regulations at city owned reservoirs, airports and other public improvements outside the city's boundaries.

Mayor

The Mayor is elected for a term of four years and is the main conservator of

peace, having power to appoint and remove the Directors of Public Service and Safety and the heads of the sub-departments of public service and safety. The Mayor is the Chief Executive of the city and has the duty to manage the affairs of the city by directions to the several Department Heads. He may also make recommendations to the City Council concerning legislation. The Mayor may also appoint the Board of Health and members of such other Boards and Commissions as may from time to time be authorized by statute or ordinance.

Since for all practical purposes the Mayor, as the general manager of the city, should exercise diligence in the performance of duties, but should also constantly supervise the activities of all municipal departments in order to be assured that the city government is functioning properly. The Director of Law should be directed to prepare any documents or proposals which may be required. The Mayor may call upon county, state, or federal officials in an effort to secure benefits to which the city may be entitled.

City Council

The City Council is the legislative branch of city government and it performs for the city substantially the same functions which the Legislature or General Assembly performs for the State. Bills introduced and passed in Council are called ordinances.

Council members are elected for four-year terms by the qualified electors of the city in one of several ways. Council members are elected by a combination of so many from Wards and/or so many at-large. Usually only a part of the Council is elected at one election. When a vacancy occurs in Council, Council selects a successor to fill the un-expired term.

The members of council elect one of their numbers as president pro tempore and appoint a Clerk (not a council person). The President of Council acts as Vice-Mayor and succeeds to that office in case of vacancy. The President of Council may appoint a number of standing committees with reference to such subjects as: Finance, Safety, Service, Zoning, Utilities, etc. Often, each Committee selects its own Chairman who keeps a written record of proceedings of that Committee. Bills are usually processed through committees for investigation and report before placed before the entire Council for vote. In the case of a highly controversial subject the Council Committee may hold public hearings for the purpose of determining the sentiment of the citizens of the city. Frequently the Council acts as a Committee of the Whole.

The Clerk of Council keeps a written minute book and record of all proceedings at each Council meeting. Here should be permanently recorded the original draft of all ordinances which have been passed.

During the discussion and deliberation of subject matter affecting various city departments, the Council may, and should, require the attendance of those city officials concerned. For instance, if an ordinance pertains to the Police Department, then Council should require the attendance of the Chief of Police and the Director of Public Safety in order to receive their counsel and advise upon the measure.

City Auditor

The City Auditor is also an elected official whose duties are to keep the books and financial records of the city. For the convenience of Council, an estimate of incomes and expenses for the ensuing year shall be prepared. The Auditor is a member of numerous Boards, having to do with the administering of trust funds, as well as other duties involving public trust, and must sign all warrants to pay bills of the city drawn on the City Treasurer who must pay them.

The Auditor confers with the County Auditor and Treasurer to ascertain how much money will be available to the city from tax collections and other municipal revenues and consults with each department to obtain an estimate of the amount of operating money needed after adjustments for one year. After the Municipal Budget is prepared, the Auditor appears before the County Budget Commission for Budget approval and recommends the adoption of an Appropriation Ordinance, the effect of which will be to earmark and divide the estimated municipal income among the city departments so that the essential functions of the city may be provided.

City Treasurer

The City Treasurer is an elected official and has responsibility for deposit and care of all monies belonging to the city and also the recipient for monies due directly to the city. The Treasurer shall receive each six months from the County Treasurer that share of tax money which has been allocated to the city from general taxes for the purpose of helping to operate the city. The City Treasurer shall pay out such money only upon warrants issued from time to time by the City Auditor. The Auditor should handle no money whatsoever, and the Treasurer should issue no warrants.

Director of Law

The Director of Law is an elected official and is the legal advisor to the Mayor, the Council and other municipal officials and prepares contracts and other instruments concerning the city and must prosecute or defend all lawsuits in which the city is a party. The Director of Law should be zealous to guard the legal rights of the city and should not hesitate to bring a lawsuit when it is considered necessary for the protection of the city's rights or property. The Director of Law is the prosecutor in the Municipal Court and ex-officio attorney for city school district.

Director of Public Service

As previously noted the Director of Public Service is appointed by the Mayor. The duties include the supervision of the improvement and repair of streets, sidewalks, parks and all public grounds, the collection and disposal of garbage and such duties as City Council may designate. This Director may be the Platting Commissioner. The City Engineer and Street Commissioner shall answer to the Director of Public Service. Since so many important duties devolve on the Director of Public Services, the selection of a highly competent person is necessary if the city is to be maintained in a clean, safe and attractive condition.

The Director of Public Service is the official who negotiates most contracts which have been authorized by Council; is responsible for the maintenance and repair of all public lands and building, streets and sidewalks, and must keep public property free from nuisances.

Under the laws of Ohio, City Council may by ordinance, combine the Directorship of Public Service with that of Public Safety.

Director of Public Safety

The Director of Public Safety is also an appointee of the Mayor. His general duties are to serve as Executive Head of the Police and Fire and other departments and divisions.

The Director of Public Safety coordinates with the State Adjutant General, the Highway Patrol Superintendent, and the County Sheriff; ascertains what courses of instruction will be available for the training of the police and fire forces; confers with the Civil Service Commission; and procures application blanks for those who desire to take the Civil Service examination for eligibility for appointment. The Director of Public Safety under the supervision of the Mayor is the appointing authority from those lists of eligible applicants which have been certified by the Civil Service Commission.

The Director should make periodical inspections of the city, public buildings, and grounds for the purpose of observing and reporting to the Mayor, the Director of Public Service, and/or the Board of Health, of anything that is considered to be unsightly, unsafe or unsanitary. Since the promotion of health and safety are important municipal functions, the Director of Public Safety carries considerable responsibility.

Fire Department

The Council may establish all necessary regulations to guard against fire, protect the property and lives of the citizens, and for such purpose may establish and maintain a Fire Department, composed of a Chief and as many firemen and equipment as deemed necessary. Rate of compensation should be fixed by ordinance.

Police Department

A city police department is maintained for the purpose of protecting the lives and properties of the people, to enforce the laws of the State, as well as the ordinances of the municipality.

The executive of the police force is the Chief, appointed after civil service examination. It is the duty of the Chief to organize and distribute the force in such proportion to best handle the needs of the city in the prevention of crime, regulating traffic, and the apprehension of law violators.

Police departments usually are divided into three major divisions: patrol, crimi-

nal investigation, and traffic. The larger departments may have other divisions such as records and property, crime prevention, finger print bureau, scientific laboratory, juvenile bureau, and radio and teletype.

In townships and villages, constables or marshals perform the police duties for the people.

Board of Health

Because the matter of health is statewide in its effect, the state is, by state statutes, divided into districts, each city being designated as a city health district and other portions of each county being designated as general health districts. Such statutes require the city council to establish a board of health composed of five members to be appointed by the Mayor and confirmed by the council, with power to make such orders and regulations as it deems necessary for the public health, the prevention and restriction of disease, and for the prevention, abatement and suppression of nuisances. Such city health district is a sub-division of the state although the city is required by state statute to pay expenses as such board certifies to the city council. In certain limited cases a health administration created other than as provided in such statutes, may continue its existence. One member of a combined board must be a physician.

Miscellaneous

Municipal elections may be non-partisan. Other important municipal administrative agencies include Departments, Divisions or Commissions respecting Recreation, Parks, Airport, Traffic Engineering, Workhouse, Building Regulation and Housing, Planning, Zoning, Consumer Affairs, Public Utilities, Energy, Personnel and Civil Service, Community Relations, Industrial Relations and Management and Budget

Jon Husted
Ohio Secretary of State



Constitution of the State of Ohio



Ohio Constitution
for the calendar year 2016

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THE OHIO CONSTITUTION

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THE CONSTITUTION OF THE STATE OF OHIO

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PREAMBLE

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this Constitution.

ARTICLE I: BILL OF RIGHTS

INALIENABLE RIGHTS.

§1 All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

(1851)

RIGHT TO ALTER, REFORM, OR ABOLISH GOVERNMENT, AND REPEAL SPECIAL PRIVILEGES.

§2 All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the General Assembly.

(1851)

RIGHT TO ASSEMBLE.

§3 The people have the right to assemble together, in a peaceable manner, to consult for the common good; to instruct their Representatives; and to petition the General Assembly for the redress of grievances.

(1851)

BEARING ARMS; STANDING ARMIES; MILITARY POWER.

§4 The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

(1851)

TRIAL BY JURY.

§5 The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.

(1851, am. 1912)

SLAVERY AND INVOLUNTARY SERVITUDE.

§6 There shall be no slavery in this State; nor involuntary servitude, unless for the punishment of crime.

(1851)

RIGHTS OF CONSCIENCE; EDUCATION; THE NECESSITY OF RELIGION AND KNOWLEDGE.

§7 All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his reli-

gious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.

(1851)

WRIT OF HABEAS CORPUS.

§8 The privilege of the writ of habeas corpus shall not be suspended, unless, in cases of rebellion or invasion, the public safety require it.

(1851)

BAIL.

§9 All persons shall be bailable by sufficient sureties, except for a person who is charged with a capital offense where the proof is evident or the presumption great and except for a person who is charged with a felony where the proof is evident or the presumption great and who where the person poses a substantial risk of serious physical harm to any person or to the community. Where a person is charged with any offense for which the person may be incarcerated, the court may determine at any time the type, amount, and conditions of bail. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

The General Assembly shall fix by law standards to determine whether a person who is charged with a felony where the proof is evident or the presumption

great poses a substantial risk of serious physical harm to any person or to the community. Procedures for establishing the amount and conditions of bail shall be established pursuant to Article IV, Section 5(b) of the Constitution of the State of Ohio.

(1851, am. 1997)

TRIAL FOR CRIMES; WITNESS.

§10 Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or otherwise infamous, crime, unless on presentment or indictment of a grand jury; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet witnesses face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed; but provision may be made by law for the taking of the deposition by the accused or by the state, to be used for or against the accused, of any witness whose attendance can not be had at the trial, always securing to the accused means and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine

the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in any criminal case, to be a witness against himself; but his failure to testify may be considered by the court and jury and may be the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense.

(1851, am. 1912)

RIGHTS OF VICTIMS OF CRIME.

§10a Victims of criminal offenses shall be accorded fairness, dignity, and respect in the criminal justice process, and, as the General Assembly shall define and provide by law, shall be accorded rights to reasonable and appropriate notice, information, access, and protection and to a meaningful role in the criminal justice process. This section does not confer upon any person a right to appeal or modify any decision in a criminal proceeding, does not abridge any other right guaranteed by the Constitution of the United States or this constitution, and does not create any cause of action for compensation or damages against the state, any officer, employee, or agent of the state or of any political subdivision, or any officer of the court.

(1994)

FREEDOM OF SPEECH; OF THE PRESS; OF LIBELS.

§11 Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel, the truth may

be given in evidence to the jury, and if it shall appear to the jury, that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

(1851)

TRANSPORTATION, ETC. FOR CRIME.

§12 No person shall be transported out of the state, for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

(1851)

QUARTERING TROOPS.

§13 No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, except in the manner prescribed by law.

(1851)

SEARCH WARRANTS AND GENERAL WARRANTS.

§14 The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person and things to be seized.

(1851)

NO IMPRISONMENT FOR DEBT.

§15 No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

(1851)

REDRESS FOR INJURY; DUE PROCESS.

§16 All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay.

Suits may be brought against the state, in such courts and in such manner, as may be provided by law.

(1851, am. 1912)

NO HEREDITARY PRIVILEGES.

§17 No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this State.

(1851)

SUSPENSION OF LAWS.

§18 No power of suspending laws shall ever be exercised, except by the General Assembly.

(1851)

EMINENT DOMAIN.

§19 Private property shall ever be held inviolate, but subservient to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money; and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury, without deduc-

tion for benefits to any property of the owner.

(1851)

DAMAGES FOR WRONGFUL DEATH.

§19a The amount of damages recoverable by civil action in the courts for death caused by the wrongful act, neglect, or default of another, shall not be limited by law.

(1912)

PROTECT PRIVATE PROPERTY RIGHTS IN GROUND WATER, LAKES AND OTHER WATERCOURSES.

§19b. (A) The protection of the rights of Ohio's property owners, the protection of Ohio's natural resources, and the maintenance of the stability of Ohio's economy require the recognition and protection of property interests in ground water, lakes, and watercourses.

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

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

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

(E) Ground water underlying privately owned land and nonnavigable waters located on or flowing through privately

owned land shall not be held in trust by any governmental body. The state, and a political subdivision to the extent authorized by state law, may provide for the regulation of such waters. An owner of land voluntarily may convey to a governmental body the owner's property interest held in the ground water underlying the land or nonnavigable waters located on or flowing through the land.

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

(G) Nothing in Section 1e of Article II, Section 36 of Article II, Article VIII, Section 1 of Article X, Section 3 of Article XVIII, or Section 7 of Article XVIII of the Constitution shall impair or limit the rights established in this section.

(2008)

POWERS RESERVED TO THE PEOPLE.

§20 This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

(1851)

PRESERVATION OF THE FREEDOM TO CHOOSE HEALTH CARE AND HEALTH CARE COVERAGE

§21 (A) No federal, state, or local law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system.

(B) No federal, state, or local law or rule shall prohibit the purchase or sale of health care or health insurance.

(C) No federal, state, or local law or rule shall impose a penalty or fine for the sale or purchase of health care or health insurance.

(D) This section does not affect laws or rules in effect as of March 19, 2010; affect which services a health care provider or hospital is required to perform or provide; affect terms and conditions of government employment; or affect any laws calculated to deter fraud or punish wrongdoing in the health care industry.

(E) As used in this Section,

(1) "Compel" includes the levying of penalties or fines.

(2) "Health care system" means any public or private entity or program whose function or purpose includes the management of, processing of, enrollment of individuals for, or payment for, in full or in part, health care services, health care data, or health care information for its participants.

(3) "Penalty or fine" means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee established by law or rule by a government established, created, or controlled agency that is used to punish or discourage the exercise of rights protected under this section.

(2011)

ARTICLE II: LEGISLATIVE

IN WHOM POWER VESTED.

§1 The legislative power of the state shall be vested in a General Assembly consisting of a Senate and House of Representatives but the people reserve to themselves the power to propose to the General Assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. They also reserve the power to adopt or reject any law, section of any law or any item in any law appropriating money passed by the General Assembly, except as herein after provided; and independent of the General Assembly to propose amendments to the constitution and to adopt or reject the same at the polls. The limitations expressed in the constitution, on the power of the General Assembly to enact laws, shall be deemed limitations on the power of the people to enact laws.

(1851, am. 1912, 1918, 1953)

INITIATIVE AND REFERENDUM TO AMEND CONSTITUTION.

§1a The first aforesaid power reserved by the people is designated the initiative, and the signatures of ten per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed

amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to one hundred twenty-five days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors."

(1912, am. 2008)

INITIATIVE AND REFERENDUM TO ENACT LAWS.

§1b When at any time, not less than ten days prior to the commencement of any session of the General Assembly, there shall have been filed with the secretary of state a petition signed by three per centum of the electors and verified as herein provided, proposing a law, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the General Assembly as soon as it convenes. If said proposed law shall be passed by the General Assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months from the time it is received by the General Assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition to those signing the original petition, which supplementary petition must be signed and filed with the secretary of state within ninety days after the

proposed law shall have been rejected by the General Assembly or after the expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the General Assembly shall have been filed by the governor in the office of the secretary of state. The proposed law shall be submitted at the next regular or general election occurring subsequent to one hundred twenty-five days after the supplementary petition is filed in the form demanded by such supplementary petition which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches, of the General Assembly. If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the General Assembly, and such amended law passed by the General Assembly shall not go into effect until and unless the law proposed by supplementary petition shall have been rejected by the electors. All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly." Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. Any proposed law or amendment to the constitution submitted to the electors as provided in section 1a and section 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of

state. If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor.

(1912, am. 2008)

**REFERENDUM TO CHALLENGE LAWS
ENACTED BY GENERAL ASSEMBLY.**

§1c The second aforesaid power reserved by the people is designated the referendum, and the signatures of six per centum of the electors shall be required upon a petition to order the submission to the electors of the state for their approval or rejection, of any law, section of any law or any item in any law appropriating money passed by the General Assembly. No law passed by the General Assembly shall go into effect until ninety days after it shall have been filed by the governor in the office of the secretary of state, except as herein provided. When a petition, signed by six per centum of the electors of the state and verified as herein provided, shall have been filed with the secretary of state within ninety days after any law shall have been filed by the governor in the office of the secretary of state, ordering that such law, section of such law or any item in such law appropriating money be submitted to the electors of the state for their approval or rejection, the secretary of state shall submit to the electors of the state for their ap-

proval or rejection such law, section or item, in the manner herein provided, at the next succeeding regular or general election in any year occurring subsequent to one hundred twenty-five days after the filing of such petition, and no such law, section or item shall go into effect until and unless approved by a majority of those voting upon the same. If, however, a referendum petition is filed against any such section or item, the remainder of the law shall not thereby be prevented or delayed from going into effect.

(1912, am. 2008)

EMERGENCY LAWS; NOT SUBJECT TO REFERENDUM.

§1d Laws providing for tax levies, appropriations for the current expenses of the state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect. Such emergency laws upon a yea and nay vote must receive the vote of two thirds of all the members elected to each branch of the General Assembly, and the reasons for such necessity shall be set forth in one section of the law, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon. The laws mentioned in this section shall not be subject to the referendum.

(1912)

POWERS; LIMITATION OF USE.

§1e (A) The powers defined herein as the “initiative” 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 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.

(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.

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

(1912, am. 2015)

POWER OF MUNICIPALITIES.

§1f The initiative and referendum powers are hereby reserved to the people

of each municipality on all questions which such municipalities may now or hereafter be authorized by law to control by legislative action; such powers shall be exercised in the manner now or hereafter provided by law.

(1912)

PETITION REQUIREMENTS AND PREPARATION; SUBMISSION; BALLOT LANGUAGE; BY OHIO BALLOT BOARD.

§1g Any initiative, supplementary, or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative, supplementary, or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. A signer residing outside of a municipality shall state the county and the rural route number, post office address, or township of his residence. A resident of a municipality shall state the street and number, if any, of his residence and the name of the municipality or the post office address. The names of all signers to such petitions shall be written in ink, each signer for himself. To each part of such petition shall be attached the statement of the circulator, as may be required by law, that he witnessed the affixing of every signature. The secretary of state shall determine the sufficiency of the signatures not later than one hundred five days before the election.

The Ohio supreme court shall have original, exclusive jurisdiction over all

challenges made to petitions and signatures upon such petitions under this section. Any challenge to a petition or signature on a petition shall be filed not later than ninety-five days before the day of the election. The court shall hear and rule on any challenges made to petitions and signatures not later than eighty-five days before the election. If no ruling determining the petition or signatures to be insufficient is issued at least eighty-five days before the election, the petition and signatures upon such petitions shall be presumed to be in all respects sufficient.

If the petitions or signatures are determined to be insufficient, ten additional days shall be allowed for the filing of additional signatures to such petition. If additional signatures are filed, the secretary of state shall determine the sufficiency of those additional signatures not later than sixty-five days before the election. Any challenge to the additional signatures shall be filed not later than fifty-five days before the day of the election. The court shall hear and rule on any challenges made to the additional signatures not later than forty-five days before the election. If no ruling determining the additional signatures to be insufficient is issued at least forty-five days before the election, the petition and signatures shall be presumed to be in all respects sufficient.

No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an affirmative majority of the votes cast thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was

procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative, supplementary, and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section, or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section, or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the general assembly, if in session, and if not in session then by the governor. The law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, not exceeding a total of three hundred words for each, and also the arguments and explanations, not exceeding a total of three hundred words against each, shall be published once a week for three consecutive weeks preceding the election, in at least one newspaper of general circu-

lation in each county of the state, where a newspaper is published. The secretary of state shall cause to be placed upon the ballots, the ballot language for any such law, or proposed law, or proposed amendment to the constitution, to be submitted. The ballot language shall be prescribed by the Ohio ballot board in the same manner, and subject to the same terms and conditions, as apply to issues submitted by the general assembly pursuant to Section 1 of Article XVI of this constitution: The ballot language shall be so prescribed and the secretary of state shall cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law, or proposed amendment to the constitution. The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be it Resolved by the People of the State of Ohio." The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation but in no way limiting or restricting either such provisions or the powers herein reserved.

(1912, am. 1971, 1978, 2008)

***ELECTION AND TERM OF STATE
LEGISLATORS.***

§2 Representatives shall be elected biennially by the electors of the respective House of Representatives districts;

their term of office shall commence on the first day of January next thereafter and continue two years.

Senators shall be elected by the electors of the respective Senate districts; their terms of office shall commence on the first day of January next after their election. All terms of senators which commence on the first day of January, 1969 shall be four years, and all terms which commence on the first day of January, 1971 shall be four years. Thereafter, except for the filling of vacancies for unexpired terms, senators shall be elected to and hold office for terms of four years.

No person shall hold the office of State Senator for a period longer than two successive terms of four years. No person shall hold the office of State Representative for a period longer than four successive terms of two years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1993 shall be considered in determining an individual's eligibility to hold office.

In determining the eligibility of an individual to hold office in accordance with this article, (A) time spent in an office in fulfillment of a term to which another person was first elected shall not be considered provided that a period of at least four years passed between the time, if any, in which the individual previously held that office, and the time the individual is elected or appointed to fulfill the unexpired term; and (B) a person who is elected to an office in a regularly scheduled general election and resigns prior to the completion of the term for which he or she was elect-

ed, shall be considered to have served the full term in that office.

(1967, am. 1992)

in the General Assembly, until he shall have accounted for, and paid such money into the treasury.

(1851)

RESIDENCE REQUIREMENTS FOR STATE LEGISLATORS.

§3 Senators and representatives shall have resided in their respective districts one year next preceding their election, unless they shall have been absent on the public business of the United States, or of this state.

(1851, am. 1967)

DUAL OFFICE AND CONFLICT OF INTEREST PROHIBITED.

§4 No member of the General Assembly shall, during the term for which he was elected, unless during such term he resigns therefrom, hold any public office under the United States, or this state, or a political subdivision thereof; but this provision does not extend to officers of a political party, notaries public, or officers of the militia or of the United States armed forces.

No member of the General Assembly shall, during the term for which he was elected, or for one year thereafter, be appointed to any public office under this state, which office was created or the compensation of which was increased, during the term for which he was elected.

(1851, am. 1973)

WHO SHALL NOT HOLD OFFICE.

§5 No person hereafter convicted of an embezzlement of the public funds, shall hold any office in this State; nor shall any person, holding public money for disbursement, or otherwise, have a seat

POWERS OF EACH HOUSE.

§6 Each house shall be the judge of the election, returns, and qualifications of its own members. A majority of all the members elected to each house shall be a quorum to do business; but, a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as shall be prescribed by law.

Each house may punish its members for disorderly conduct and, with the concurrence of two-thirds of the members elected thereto, expel a member, but not the second time for the same cause. Each house has all powers necessary to provide for its safety and the undisturbed transaction of its business, and to obtain, through committees or otherwise, information affecting legislative action under consideration or in contemplation, or with reference to any alleged breach of its privileges or misconduct of its members, and to that end to enforce the attendance and testimony of witnesses, and the production of books and papers.

(1851, am. 1973)

ORGANIZATION OF EACH HOUSE OF THE GENERAL ASSEMBLY.

§7 The mode of organizing each house of the General Assembly shall be prescribed by law.

Each house, except as otherwise provided in this constitution, shall choose its own officers. The presiding offi-

cer in the Senate shall be designated as president of the Senate and in the House of Representatives as speaker of the House of Representatives.

Each house shall determine its own rules of proceeding.

(1851, am. 1973)

SESSIONS OF THE GENERAL ASSEMBLY.

§8 Each General Assembly shall convene in first regular session on the first Monday of January in the odd-numbered year, or on the succeeding day if the first Monday of January is a legal holiday, and in second regular session on the same date of the following year. Either the governor, or the presiding officers of the General Assembly chosen by the members thereof, acting jointly, may convene the General Assembly in special session by a proclamation which may limit the purpose of the session. If the presiding officer of the Senate is not chosen by the members thereof, the president pro tempore of the Senate may act with the speaker of the House of Representatives in the calling of a special session.

(1973)

HOUSE AND SENATE JOURNALS (YEAS AND NAYS).

§9 Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal; and, on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal.

(1851, am. 1973)

RIGHTS OF MEMBERS TO PROTEST.

§10 Any member of either House shall have the right to protest against any act, or resolution thereof; and such protest, and the reasons therefor, shall, without alteration, commitment, or delay, be entered upon the journal.

(1851)

FILLING VACANCY IN HOUSE OR SENATE SEAT.

§11 A vacancy in the Senate or in the House of Representatives for any cause, including the failure of a member-elect to qualify for office, shall be filled by election by the members of the Senate or the members of the House of Representatives, as the case may be, who are affiliated with the same political party as the person last elected by the electors to the seat which has become vacant. A vacancy occurring before or during the first twenty months of a Senatorial term shall be filled temporarily by election as provided in this section, for only that portion of the term which will expire on the thirty-first day of December following the next general election occurring in an even-numbered year after the vacancy occurs, at which election the seat shall be filled by the electors as provided by law for the remaining, unexpired portion of the term, the member-elect so chosen to take office on the first day in January next following such election. No person shall be elected to fill a vacancy in the Senate or House of Representatives, as the case may be, unless he meets the qualifications set forth in this constitution and the laws of this state for the seat in which the vacancy occurs. An election to fill a vacancy shall be accomplished, notwithstanding

ing the provisions of section 27, Article II of this constitution, by the adoption of a resolution, while the Senate or the House of Representatives, as the case may be, is in session, with the taking of the yeas and nays of the members of the Senate or the House of Representatives, as the case may be, affiliated with the same political party as the person last elected to the seat in which the vacancy occurs. The adoption of such resolution shall require the affirmative vote of a majority of the members elected to the Senate or the House of Representatives, as the case may be, entitled to vote thereon. Such vote shall be spread upon the journal of the Senate or the House of Representatives, as the case may be, and certified to the secretary of state by the clerk thereof. The secretary of state shall, upon receipt of such certification, issue a certificate of election to the person so elected and upon presentation of such certificate to the Senate or the House of Representatives, as the case may be, the person so elected shall take the oath of office and become a member of the Senate or the House of Representatives, as the case may be, for the term for which he was so elected.

(1851, am. 1961, 1968, 1973)

***PRIVILEGE OF MEMBERS FROM ARREST,
AND OF SPEECH.***

§12 Senators and Representatives, during the session of the General Assembly, and in going to, and returning from the same, shall be privileged from arrest, in all cases, except treason, felony, or breach of the peace; and for any speech, or debate, in either House, they shall not be questioned elsewhere.

(1851)

***LEGISLATIVE SESSIONS TO BE PUBLIC;
EXCEPTIONS.***

§13 The proceedings of both Houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

(1851)

POWER OF ADJOURNMENT.

§14 Neither House shall, without the consent of the other, adjourn for more than five days, Sundays excluded; nor to any other place than that, in which the two houses are in session.

(1851, am. 1973)

HOW BILLS SHALL BE PASSED.

§15 (A) The General Assembly shall enact no law except by bill, and no bill shall be passed without the concurrence of a majority of the members elected to each house. Bills may originate in either house, but may be altered, amended, or rejected in the other.

(B) The style of the laws of this state shall be, "be it enacted by the General Assembly of the state of Ohio."

(C) Every bill shall be considered by each house on three different days, unless two-thirds of the members elected to the house in which it is pending suspend this requirement, and every individual consideration of a bill or action suspending the requirement shall be recorded in the journal of the respective house. No bill may be passed until the bill has been reproduced and distributed to members of the house in which it is pending and every amendment been made available upon a member's request.

(D) No bill shall contain more than one subject, which shall be clearly expressed in its title. No law shall be revived or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections amended shall be repealed.

(E) Every bill which has passed both houses of the General Assembly shall be signed by the presiding officer of each house to certify that the procedural requirements for passage have been met and shall be presented forthwith to the governor for his approval.

(F) Every joint resolution which has been adopted in both houses of the General Assembly shall be signed by the presiding officer of each house to certify that the procedural requirements for adoption have been met and shall forthwith be filed with the secretary of state.

(1973)

BILLS TO BE SIGNED BY GOVERNOR; VETO.

§16 If the governor approves an act, he shall sign it, it becomes law and he shall file it with the secretary of state.

If he does not approve it, he shall return it with his objections in writing, to the house in which it originated, which shall enter the objections at large upon its journal, and may then reconsider the vote on its passage. If three-fifths of the members elected to the house of origin vote to repass the bill, it shall be sent, with the objections of the governor, to the other house, which may also reconsider the vote on its passage. If three fifths of the members elected to

the second house vote to repass it, it becomes law notwithstanding the objections of the governor, and the presiding officer of the second house shall file it with the secretary of state. In no case shall a bill be repassed by a smaller vote than is required by the constitution on its original passage. In all cases of reconsideration the vote of each house shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal.

If a bill is not returned by the governor within ten days, Sundays excepted, after being presented to him, it becomes law in like manner as if he had signed it, unless the General Assembly by adjournment prevents its return; in which case, it becomes law unless, within ten days after such adjournment, it is filed by him, with his objections in writing, in the office of the secretary of state. The governor shall file with the secretary of state every bill not returned by him to the house of origin that becomes law without his signature.

The governor may disapprove any item or items in any bill making an appropriation of money and the item or items, so disapproved, shall be void, unless repassed in the manner prescribed by this section for the repassage of a bill.

(1851, am. 1903, 1912, 1973)

REPEALED. REFERRED TO THE SIGNING OF ALL BILLS AND JOINT RESOLUTIONS BY THE PRESIDING OFFICER OF EACH HOUSE.

§17

(1851, rep. 1973)

REPEALED. REFERRED TO THE STYLE OF LAWS.

§18
(1851, rep. 1973)

REPEALED. REFERRED TO THE EXCLUSION OF SENATORS AND REPRESENTATIVES FROM APPOINTMENT TO ANY CIVIL OFFICE OF THIS STATE.

§19
(1851, rep. 1973)

TERM OF OFFICE, AND COMPENSATION OF OFFICERS IN CERTAIN CASES.

§20 The General Assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

(1851)

CONTESTED ELECTIONS.

§21 The General Assembly shall determine, by law, before what authority, and in what manner contested elections shall be conducted.

(1851)

APPROPRIATIONS.

§22 No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years.

(1851)

IMPEACHMENTS; HOW INSTITUTED AND CONDUCTED.

§23 The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate; and the Senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted, without the concurrence of two-thirds of the Senators.

(1851)

OFFICERS LIABLE TO IMPEACHMENT; CONSEQUENCES.

§24 The Governor, Judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office under the authority of this State. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law.

(1851)

REPEALED. WHEN SESSIONS SHALL COMMENCE.

§25
(1851, rep. 1973)

LAWS TO HAVE A UNIFORM OPERATION.

§26 All laws, of a general nature, shall have a uniform operation throughout the State; nor, shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the General As-

sembly, except, as otherwise provided in this constitution.

(1851)

ELECTION AND APPOINTMENT OF OFFICERS; FILLING VACANCIES.

§27 The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the General Assembly, except as prescribed in this constitution; and in these cases, the vote shall be taken “viva voce.”

(1851, am. 1953)

RETROACTIVE LAWS.

§28 The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of this State.

(1851)

NO EXTRA COMPENSATION; EXCEPTIONS.

§29 No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid, on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation,

or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

(1851)

NEW COUNTIES.

§30 No new county shall contain less than four hundred square miles of territory, nor, shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided, whenever a majority of the voters, residing in each of the proposed divisions, shall approve of the law passed for that purpose; but, no town or city within the same, shall be divided, nor, shall either of the divisions contain less than twenty thousand inhabitants.

(1851)

COMPENSATION OF MEMBERS AND OFFICERS OF THE GENERAL ASSEMBLY.

§31 The members and officers of the General Assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

(1851)

DIVORCES AND JUDICIAL POWER.

§32 The General Assembly shall grant no divorce, nor, exercise any judicial power, not herein expressly conferred.

(1851)

MECHANICS' AND CONTRACTOR'S LIENS.

§33 Laws may be passed to secure to mechanics, artisans, laborers, subcontractors and material men, their just dues by direct lien upon the property, upon which they have bestowed labor or for which they have furnished material. No other provision of the constitution shall impair or limit this power.

(1912)

WELFARE OF EMPLOYEES.

§34 Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety and general welfare of all employes; and no other provision of the constitution shall impair or limit this power.

(1912)

MINIMUM WAGE.

§34a Except as provided in this section, every employer shall pay their employees a wage rate of not less than six dollars and eighty-five cents per hour beginning January 1, 2007. On the thirtieth day of each September, beginning in 2007, this state minimum wage rate shall be increased effective the first day of the following January by the rate of inflation for the twelve month period prior to that September according to the consumer price index or its successor index for all urban wage earners and

clerical workers for all items as calculated by the federal government rounded to the nearest five cents. Employees under the age of sixteen and employees of businesses with annual gross receipts of two hundred fifty thousand dollars or less for the preceding calendar year shall be paid a wage rate of not less than that established under the federal Fair Labor Standards Act or its successor law. This gross revenue figure shall be increased each year beginning January 1, 2008 by the change in the consumer price index or its successor index in the same manner as the required annual adjustment in the minimum wage rate set forth above rounded to the nearest one thousand dollars. An employer may pay an employee less than, but not less than half, the minimum wage rate required by this section if the employer is able to demonstrate that the employee receives tips that combined with the wages paid by the employer are equal to or greater than the minimum wage rate for all hours worked. The provisions of this section shall not apply to employees of a solely family owned and operated business who are family members of an owner. The state may issue licenses to employers authorizing payment of a wage rate below that required by this section to individuals with mental or physical disabilities that may otherwise adversely affect their opportunity for employment.

As used in this section: "employer," "employee," "employ," "person" and "independent contractor" have the same meanings as under the federal Fair Labor Standards Act or its successor law, except that "employer" shall also include the state and every political subdivision and "employee" shall

not include an individual employed in or about the property of the employer or individual's residence on a casual basis. Only the exemptions set forth in this section shall apply to this section.

An employer shall at the time of hire provide an employee the employer's name, address, telephone number, and other contact information and update such information when it changes. An employer shall maintain a record of the name, address, occupation, pay rate, hours worked for each day worked and each amount paid an employee for a period of not less than three years following the last date the employee was employed. Such information shall be provided without charge to an employee or person acting on behalf of an employee upon request. An employee, person acting on behalf of one or more employees and/or any other interested party may file a complaint with the state for a violation of any provision of this section or any law or regulation implementing its provisions. Such complaint shall be promptly investigated and resolved by the state. The employee's name shall be kept confidential unless disclosure is necessary to resolution of a complaint and the employee consents to disclosure. The state may on its own initiative investigate an employer's compliance with this section and any law or regulation implementing its provisions. The employer shall make available to the state any records related to such investigation and other information required for enforcement of this section or any law or regulation implementing its provisions. No employer shall discharge or in any other manner discriminate or retaliate against an employee for exercising any right under

this section or any law or regulation implementing its provisions or against any person for providing assistance to an employee or information regarding the same.

An action for equitable and monetary relief may be brought against an employer by the attorney general and/or an employee or person acting on behalf of an employee or all similarly situated employees in any court of competent jurisdiction, including the common pleas court of an employee's county of residence, for any violation of this section or any law or regulation implementing its provisions within three years of the violation or of when the violation ceased if it was of a continuing nature, or within one year after notification to the employee of final disposition by the state of a complaint for the same violation, whichever is later. There shall be no exhaustion requirement, no procedural, pleading or burden of proof requirements beyond those that apply generally to civil suits in order to maintain such action and no liability for costs or attorney's fees on an employee except upon a finding that such action was frivolous in accordance with the same standards that apply generally in civil suits. Where an employer is found by the state or a court to have violated any provision of this section, the employer shall within thirty days of the finding pay the employee back wages, damages, and the employee's costs and reasonable attorney's fees. Damages shall be calculated as an additional two times the amount of the back wages and in the case of a violation of an anti-retaliation provision an amount set by the state or court sufficient to compensate the employee and deter

future violations, but not less than one hundred fifty dollars for each day that the violation continued. Payment under this paragraph shall not be stayed pending any appeal.

This section shall be liberally construed in favor of its purposes. Laws may be passed to implement its provisions and create additional remedies, increase the minimum wage rate and extend the coverage of the section, but in no manner restricting any provision of the section or the power of municipalities under Article XVIII of this constitution with respect to the same.

If any part of this section is held invalid, the remainder of the section shall not be affected by such holding and shall continue in full force and effect.

(2006)

WORKERS' COMPENSATION.

§35 For the purpose of providing compensation to workmen and their dependents, for death, injuries or occupational disease, occasioned in the course of such workmen's employment, laws may be passed establishing a state fund to be created by compulsory contribution thereto by employers, and administered by the state, determining the terms and conditions upon which payment shall be made therefrom. Such compensation shall be in lieu of all other rights to compensation, or damages, for such death, injuries, or occupational disease, and any employer who pays the premium or compensation provided by law, passed in accordance herewith, shall not be liable to respond in damages at common law or by statute for such death, injuries or occupational disease. Laws may be

passed establishing a board which may be empowered to classify all occupations, according to their degree of hazard, to fix rates of contribution to such fund according to such classification, and to collect, administer and distribute such fund, and to determine all rights of claimants thereto. Such board shall set aside as a separate fund such proportion of the contributions paid by employers as in its judgment may be necessary, not to exceed one per centum thereof in any year, and so as to equalize, insofar as possible, the burden thereof, to be expended by such board in such manner as may be provided by law for the investigation and prevention of industrial accidents and diseases. Such board shall have full power and authority to hear and determine whether or not an injury, disease or death resulted because of the failure of the employer to comply with any specific requirement for the protection of the lives, health or safety of employees, enacted by the General Assembly or in the form of an order adopted by such board, and its decision shall be final; and for the purpose of such investigations and inquiries it may appoint referees. When it is found, upon hearing, that an injury, disease or death resulted because of such failure by the employer, such amount as shall be found to be just, not greater than fifty nor less than fifteen per centum of the maximum award established by law, shall be added by the board, to the amount of the compensation that may be awarded on account of such injury, disease, or death, and paid in like manner as other awards; and, if such compensation is paid from the state fund, the premium of such employer shall be increased in such amount, covering such period of time as may be fixed, as

will recoup the state fund in the amount of such additional award, notwithstanding any and all other provisions in this constitution.

(1912, am. 1923)

CONSERVATION OF NATURAL RESOURCES.

§36 Laws may be passed to encourage forestry and agriculture, and to that end areas devoted exclusively to forestry may be exempted, in whole or in part, from taxation. Notwithstanding the provisions of section 2 of Article XII, laws may be passed to provide that land devoted exclusively to agricultural use be valued for real property tax purposes at the current value such land has for such agricultural use. Laws may also be passed to provide for the deferral or recoupment of any part of the difference in the dollar amount of real property tax levied in any year on land valued in accordance with its agricultural use and the dollar amount of real property tax which would have been levied upon such land had it been valued for such year in accordance with section 2 of Article XII. Laws may also be passed to provide for converting into forest reserves such lands or parts of lands as have been or may be forfeited to the state, and to authorize the acquiring of other lands for that purpose; also, to provide for the conservation of the natural resources of the state, including streams, lakes, submerged and swamp lands and the development and regulation of water power and the formation of drainage and conservation districts; and to provide for the regulation of methods of mining, weighing, measuring and marketing coal, oil, gas and all other minerals.

(1912, am. 1973)

WORKDAY AND WORKWEEK ON PUBLIC PROJECTS.

§37 Except in cases of extraordinary emergency, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the state, or any political subdivision thereof, whether done by contract, or otherwise.

(1912)

REMOVAL OF OFFICIALS FOR MISCONDUCT.

§38 Laws shall be passed providing for the prompt removal from office, upon complaint and hearing, of all officers, including state officers, judges and members of the General Assembly, for any misconduct involving moral turpitude or for other cause provided by law; and this method of removal shall be in addition to impeachment or other method of removal authorized by the constitution.

(1912)

REGULATING EXPERT TESTIMONY IN CRIMINAL TRIALS.

§39 Laws may be passed for the regulation of the use of expert witnesses and expert testimony in criminal trials and proceedings.

(1912)

REGISTERING AND WARRANTING LAND TITLES.

§40 Laws may be passed providing for a system of registering, transferring, insuring and guaranteeing land titles by the state or by the counties thereof, and

for settling and determining adverse or other claims to and interests in, lands the titles to which are so registered, insured or guaranteed, and for the creation and collection of guaranty funds by fees to be assessed against lands, the titles to which are registered; and judicial powers with right of appeal may by law be conferred upon county recorders or other officers in matters arising under the operation of such system.

(1912)

PRISON LABOR.

§41 Laws may be passed providing for and regulating the occupation and employment of prisoners sentenced to the several penal institutions and reformatories in the state.

(1912, am. 1978)

CONTINUITY OF GOVERNMENT OPERATIONS IN EMERGENCIES CAUSED BY ENEMY ATTACK.

§42 The General Assembly shall have the power and the immediate duty to pass laws to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices and to pass such other laws as may be necessary and proper for insuring the continuity of governmental operations in periods of emergency resulting from disasters caused by enemy attack.

(1961)

ARTICLE III: EXECUTIVE

EXECUTIVE DEPARTMENT; KEY STATE OFFICERS.

§1 The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney general, who shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the places of voting for members of the General

Assembly.

(1851, am. 1885)

JOINT VOTE CAST FOR GOVERNOR AND LIEUTENANT.

§1a In the general election for governor and lieutenant governor, one vote shall be cast jointly for the candidates nominated by the same political party or petition. The General Assembly shall provide by law for the nomination of candidates for governor and lieutenant governor.

(1976)

LIEUTENANT GOVERNOR DUTIES ASSIGNED BY GOVERNOR.

§1b The lieutenant governor shall perform such duties in the executive department as are assigned to him by the governor and as are prescribed by law.

(1976)

TERM OF OFFICE OF KEY STATE OFFICERS.

§2 The governor, lieutenant governor, secretary of state, treasurer of state, and attorney general shall hold their offices for four years commencing on the second Monday of January, 1959. Their terms of office shall continue until their

successors are elected and qualified. The auditor of state shall hold his office for a term of two years from the second Monday of January, 1961 to the second Monday of January, 1963 and thereafter shall hold this office for a four year term. No person shall hold the office of governor for a period longer than two successive terms of four years.

No person shall hold any one of the offices of lieutenant governor, secretary of state, treasurer of state, attorney general, or auditor of state for a period longer than two successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1995 shall be considered in determining an individual's eligibility to hold the office of lieutenant governor, secretary of state, treasurer of state, attorney general, or auditor of state.

In determining the eligibility of an individual to hold an office in accordance with this article, (A) time spent in an office in fulfillment of a term to which another person was first elected shall not be considered provided that a period of at least four years passed between the time, if any, in which the individual previously held that office, and the time the individual is elected or appointed to fulfill the unexpired term; and (B) a person who is elected to an office in a regularly scheduled general election and resigns prior to the completion of the term for which he or she was elected, shall be considered to have served the full term in that office.

(1851, am. 1954, 1992)

COUNTING VOTES FOR KEY STATE OFFICERS.

§3 The returns of every election for the officers, named in the foregoing section, shall be sealed and transmitted to the seat of government, by the returning officers, directed to the president of the Senate, who, during the first week of the next regular session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the General Assembly. The joint candidates having the highest number of votes cast for governor and lieutenant governor and the person having the highest number of votes for any other office shall be declared duly elected; but if any two or more have an equal and the highest number of votes for the same office or offices, one of them or any two for whom joint votes were cast for governor and lieutenant governor, shall be chosen by joint vote of both houses.

(1851, am. 1976)

REPEALED. REFERRED TO RETURNS OF ELECTION MADE TO THE SECRETARY OF STATE WHEN THERE IS NO SESSION OF THE GENERAL ASSEMBLY IN JANUARY AFTER AN ELECTION.

§4

(1851, rep. 1976)

EXECUTIVE POWER VESTED IN GOVERNOR.

§5 The supreme executive power of this State shall be vested in the Governor.

(1851)

**GOVERNOR TO SEE THAT LAWS EXECUTED;
MAY REQUIRE WRITTEN INFORMATION.**

§6 He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

(1851)

**GOVERNOR'S ANNUAL MESSAGE
TO GENERAL ASSEMBLY;
RECOMMENDATIONS FOR LEGISLATION.**

§7 He shall communicate at every session, by message, to the General Assembly, the condition of the State, and recommend such measures as he shall deem expedient.

(1851)

**GOVERNOR MAY CONVENE SPECIAL
SESSION OF LEGISLATURE WITH LIMITED
PURPOSES.**

§8 The governor on extraordinary occasions may convene the General Assembly by proclamation and shall state in the proclamation the purpose for which such special session is called, and no other business shall be transacted at such special session except that named in the proclamation or message to the General Assembly issued by the governor during said special session, but the General Assembly may provide for the expenses of the session and other matters incidental thereto.

(1851, am. 1912)

**WHEN GOVERNOR MAY ADJOURN THE
LEGISLATURE.**

§9 In case of disagreement between the two Houses, in respect to the time of

adjournment, he shall have the power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

(1851)

**GOVERNOR IS COMMANDER-IN-CHIEF OF
MILITIA.**

§10 He shall be commander-in-chief of the military and naval forces of the State, except when they shall be called into the service of the United States.

(1851)

**GOVERNOR MAY GRANT REPRIEVES,
COMMUTATIONS AND PARDONS.**

§11 The governor shall have power, after conviction, to grant reprieves, commutations, and pardons, for all crimes and offences, except treason and cases of impeachment, upon such conditions as the governor may think proper; subject, however, to such regulations, as to the manner of applying for commutations and pardons, as may be prescribed by law. Upon conviction for treason, the governor may suspend the execution of the sentence, and report the case to the General Assembly, at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. The governor shall communicate to the General Assembly, at every regular session, each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with the governor's reasons therefor.

(1851, am. 1995)

SEAL OF THE STATE, AND BY WHOM KEPT.

§12 There shall be a seal of the State, which shall be kept by the Governor, and used by him officially; and shall be called "The Great Seal of the State of Ohio."

(1851)

HOW GRANTS AND COMMISSIONS ISSUED.

§13 All grants and commissions shall be issued in the name, and by the authority, of the State of Ohio; sealed with the great seal; signed by the Governor countersigned by the Secretary of State.

(1851)

WHO IS INELIGIBLE FOR GOVERNOR.

§14 No member of Congress, or other person holding office under the authority of this State, or of the United States, shall execute the office of Governor, except as herein provided.

(1851)

SUCCESSION IN CASE OF VACANCY IN OFFICE OF GOVERNOR.

§15 (A) In the case of the death, conviction on impeachment, resignation, or removal, of the governor, the lieutenant governor shall succeed to the office of governor.

(B) When the governor is unable to discharge the duties of office by reason of disability, the lieutenant governor shall serve as governor until the governor's disability terminates.

(C) In the event of a vacancy in the office of governor or when the governor is unable to discharge the duties of office, the line of succession to the office

of governor or to the position of serving as governor for the duration of the governor's disability shall proceed from the lieutenant governor to the president of the Senate and then to the speaker of the House of Representatives.

(D) Any person serving as governor for the duration of the governor's disability shall have the powers, duties, title and compensation of the office of governor.

(E) No person shall simultaneously serve as governor and lieutenant governor, president of the Senate, or speaker of the House of Representatives, nor shall any person simultaneously receive the compensations of the office of governor and that of lieutenant governor, president of the Senate, or speaker of the House of Representatives.

(1976)

REPEALED. REFERRED TO DUTIES OF LIEUTENANT GOVERNOR.

§16

(1851, rep. 1976)

IF A VACANCY SHALL OCCUR WHILE EXECUTING THE OFFICE OF GOVERNOR, WHO SHALL ACT.

§17 When a vacancy occurs in both the office of governor and lieutenant governor because of the death, conviction on impeachment, resignation, or removal of the persons elected to those offices prior to the expiration of the first twenty months of a term, a governor and lieutenant governor shall be elected at the next general election occurring in an even-numbered year after the vacancy occurs, for the unexpired portion of the term. The officer next in line of succession to the office of governor shall

serve as governor from the occurrence of the vacancy until the newly elected governor has qualified.

If by reason of death, resignation, or disqualification, the governor-elect shall assume the office of governor at the commencement of the gubernatorial term, the lieutenant governor-elect shall assume the office of governor for the full term. If at the commencement of such term, the governor-elect fails to assume the office by reason of disability, the lieutenant governor-elect shall serve as governor until the disability of the governor elect terminates.

(1976)

FILLING A VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR.

§17a Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by vote of a majority of the members elected to each house of the General Assembly.

(1989)

GOVERNOR TO FILL VACANCIES IN KEY STATE OFFICES.

§18 Should the office of auditor of state, treasurer of state, secretary of state, or attorney general become vacant, for any of the causes specified in the fifteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor is elected and qualified. Such successor shall be elected for the unexpired term of the vacant office at the first general election in an even numbered year that occurs more than forty days after the

vacancy has occurred; provided, that when the unexpired term ends within one year immediately following the date of such general election, an election to fill such unexpired term shall not be held and the appointment shall be for such unexpired term.

(1851, am. 1969)

COMPENSATION OF KEY STATE OFFICERS.

§19 The officers mentioned in this article shall, at stated times, receive for their services, a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

(1851)

ANNUAL REPORT OF EXECUTIVE OFFICERS.

§20 The officers of the executive department, and of the public State Institutions shall, at least five days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message to the General Assembly.

(1851)

APPOINTMENTS TO OFFICE; ADVICE AND CONSENT OF SENATE.

§21 When required by law, appointments to state office shall be subject to the advice and consent of the Senate. All statutory provisions requiring advice and consent of the Senate to appointments to state office heretofore enacted by the General Assembly are hereby validated, ratified and confirmed as to all appointments made hereafter,

but any such provision may be altered or repealed by law.

No appointment shall be consented to without concurrence of a majority of the total number of Senators provided for by this Constitution, except as hereinafter provided for in the case of failure of the Senate to act. If the Senate has acted upon any appointment to which its consent is required and has refused to consent, an appointment of another person shall be made to fill the vacancy.

If an appointment is submitted during a session of the General Assembly, it shall be acted upon by the Senate during such session of the General Assembly, except that if such session of the General Assembly adjourns sine die within ten days after such submission without acting upon such appointment, it may be acted upon at the next session of the General Assembly.

If an appointment is made after the Senate has adjourned sine die, it shall be submitted to the Senate during the next session of the General Assembly.

In acting upon an appointment a vote shall be taken by a yea and nay vote of the members of the Senate and shall be entered upon its journal. Failure of the Senate to act by a roll call vote on an appointment by the governor within the time provided for herein shall constitute consent to such appointment.

(1961)

***SUPREME COURT TO DETERMINE
DISABILITY OF GOVERNOR OR GOVERNOR
ELECT; SUCCESSION.***

§22 The Supreme Court has original, exclusive, and final, jurisdiction to de-

termine disability of the governor or governor-elect upon presentment to it of a joint resolution by the General Assembly, declaring that the governor or governor-elect is unable to discharge the powers and duties of the office of governor by reason of disability. Such joint resolution shall be adopted by a two-thirds vote of the members elected to each house. The Supreme Court shall give notice of the resolution to the governor and after a public hearing, at which all interested parties may appear and be represented, shall determine the question of disability. The court shall make its determination within twenty-one days after presentment of such resolution.

If the governor transmits to the Supreme Court a written declaration that the disability no longer exists, the Supreme Court shall, after public hearing at which all interested parties may appear and be represented, determine the question of the continuation of the disability. The court shall make its determination within twenty-one days after transmittal of such declaration.

The Supreme Court has original, exclusive, and final jurisdiction to determine all questions concerning succession to the office of the governor or to its powers and duties.

(1976)

ARTICLE IV: JUDICIAL

JUDICIAL POWER VESTED IN COURT.

§1 The judicial power of the state is vested in a supreme court, courts of appeals, courts of common pleas and divisions thereof, and such other courts

inferior to the Supreme Court as may from time to time be established by law.

(1851, am. 1883, 1912, 1968, 1973)

**ORGANIZATION AND JURISDICTION OF
SUPREME COURT.**

§2 (A) The Supreme Court shall, until otherwise provided by law, consist of seven judges, who shall be known as the chief justice and justices. In case of the absence or disability of the chief justice, the judge having the period of longest total service upon the court shall be the acting chief justice. If any member of the court shall be unable, by reason of illness, disability or disqualification, to hear, consider and decide a cause or causes, the chief justice or the acting chief justice may direct any judge of any court of appeals to sit with the judges of the Supreme Court in the place and stead of the absent judge. A majority of the Supreme Court shall be necessary to constitute a quorum or to render a judgment.

(B)(1) The Supreme Court shall have original jurisdiction in the following:

(a) Quo warranto;

(b) Mandamus;

(c) Habeas corpus;

(d) Prohibition;

(e) Procedendo;

(f) In any cause on review as may be necessary to its complete determination;

(g) Admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law.

(2) The Supreme Court shall have appellate jurisdiction as follows:

(a) In appeals from the courts of appeals as a matter of right in the following:

(i) Cases originating in the courts of appeals;

(ii) Cases in which the death penalty has been affirmed;

(iii) Cases involving questions arising under the constitution of the United States or of this state.

(b) In appeals from the courts of appeals in cases of felony on leave first obtained.

(c) In direct appeals from the courts of common pleas or other courts of record inferior to the court of appeals as a matter of right in cases in which the death penalty has been imposed.

(d) Such revisory jurisdiction of the proceedings of administrative officers or agencies as may be conferred by law;

(e) In cases of public or great general interest, the Supreme Court may direct any court of appeals to certify its record to the Supreme Court, and may review and affirm, modify, or reverse the judgment of the court of appeals;

(f) The Supreme Court shall review and affirm, modify, or reverse the judgment in any case certified by any court of appeals pursuant to section 3(B)(4) of this article.

(3) No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the Supreme Court.

(C) The decisions in all cases in the Supreme Court shall be reported together with the reasons therefor.

(1851, am. 1883, 1912, 1944, 1968, 1994)

ORGANIZATION AND JURISDICTION OF COURT OF APPEALS.

§3 (A) The state shall be divided by law into compact appellate districts in each of which there shall be a court of appeals consisting of three judges. Laws may be passed increasing the number of judges in any district wherein the volume of business may require such additional judge or judges. In districts having additional judges, three judges shall participate in the hearing and disposition of each case. The court shall hold sessions in each county of the district as the necessity arises. The county commissioners of each county shall provide a proper and convenient place for the court of appeals to hold court.

(B)(1) The courts of appeals shall have original jurisdiction in the following:

- (a) Quo warranto;
- (b) Mandamus;
- (c) Habeas corpus;
- (d) Prohibition;
- (e) Procedendo

(f) In any cause on review as may be necessary to its complete determination.

(2) Courts of appeals shall have such jurisdiction as may be provided by law to review and affirm, modify, or reverse judgments or final orders of the courts

of record inferior to the court of appeals within the district, except that courts of appeals shall not have jurisdiction to review on direct appeal a judgement that imposes a sentence of death. Courts of appeals shall have such appellate jurisdiction as may be provided by law to review and affirm, modify, or reverse final orders or actions of administrative officers or agencies.

(3) A majority of the judges hearing the cause shall be necessary to render a judgment. Judgments of the courts of appeals are final except as provided in section 2(B)(2) of the article. No judgment resulting from a trial by jury shall be reversed on the weight of the evidence except by the concurrence of all three judges hearing the cause.

(4) Whenever the judges of a court of appeals find that a judgment upon which they have agreed is in conflict with a judgment pronounced upon the same question by any other court of appeals of the state, the judges shall certify the record of the case to the Supreme Court for review and final determination.

(C) Laws may be passed providing for the reporting of cases in the courts of appeals.

(1968, am. 1994)

ORGANIZATION AND JURISDICTION OF COMMON PLEAS COURT.

§4 (A) There shall be a court of common pleas and such divisions thereof as may be established by law serving each county of the state. Any judge of a court of common pleas or a division thereof may temporarily hold court in any county. In the interests of the fair, impartial, speedy, and sure administra-

tion of justice, each county shall have one or more resident judges, or two or more counties may be combined into districts having one or more judges resident in the district and serving the common pleas court of all counties in the district, as may be provided by law. Judges serving a district shall sit in each county in the district as the business of the court requires. In counties or districts having more than one judge of the court of common pleas, the judges shall select one of their number to act as presiding judge, to serve at their pleasure. If the judges are unable because of equal division of the vote to make such selection, the judge having the longest total service on the court of common pleas shall serve as presiding judge until selection is made by vote. The presiding judge shall have such duties and exercise such powers as are prescribed by rule of the Supreme Court.

(B) The courts of common pleas and divisions thereof shall have such original jurisdiction over all justiciable matters and such powers of review of proceedings of administrative officers and agencies as may be provided by law.

(C) Unless otherwise provided by law, there shall be probate division and such other divisions of the courts of common pleas as may be provided by law. Judges shall be elected specifically to such probate division and to such other divisions. The judges of the probate division shall be empowered to employ and control the clerks, employees, deputies, and referees of such probate division of the common pleas courts.

(1968, am. 1973)

***POWERS AND DUTIES OF SUPREME COURT;
RULES.***

§5 (A)(1) In addition to all other powers vested by this article in the Supreme Court, the Supreme Court shall have general superintendence over all courts in the state. Such general superintending power shall be exercised by the chief justice in accordance with rules promulgated by the Supreme Court.

(2) The Supreme Court shall appoint an administrative director who shall assist the chief justice and who shall serve at the pleasure of the court. The compensation and duties of the administrative director shall be determined by the court.

(3) The chief justice or acting chief justice, as necessity arises, shall assign any judge of a court of common pleas or a division thereof temporarily to sit or hold court on any other court of common pleas or division thereof or any court of appeals or shall assign any judge of a court of appeals temporarily to sit or hold court on any other court of appeals or any court of common pleas or division thereof and upon such assignment said judge shall serve in such assigned capacity until the termination of the assignment. Rules may be adopted to provide for the temporary assignment of judges to sit and hold court in any court established by law.

(B) The Supreme Court shall prescribe rules governing practice and procedure in all courts of the state, which rules shall not abridge, enlarge, or modify any substantive right. Proposed rules shall be filed by the court, not later than the fifteenth day of January, with the clerk of each house of the General As-

sembly during a regular session thereof, and amendments to any such proposed rules may be so filed not later than the first day of May in that session. Such rules shall take effect on the following first day of July, unless prior to such day the General Assembly adopts a concurrent resolution of disapproval. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

Courts may adopt additional rules concerning local practice in their respective courts which are not inconsistent with the rules promulgated by the Supreme Court. The Supreme Court may make rules to require uniform record keeping for all courts of the state, and shall make rules governing the admission to the practice of law and discipline of persons so admitted.

(C) The chief justice of the Supreme Court or any judge of that court designated by him shall pass upon the disqualification of any judge of the courts of appeals or courts of common pleas or division thereof. Rules may be adopted to provide for the hearing or disqualification matters involving judges of courts established by law.

(1968, am. 1973)

ELECTION OF JUDGES; COMPENSATION.

§6 (A)(1) The chief justice and the justices of the Supreme Court shall be elected by the electors of the state at large, for terms of not less than six years.

(2) The judges of the courts of appeals shall be elected by the electors of their respective appellate districts, for terms of not less than six years.

(3) The judges of the courts of common pleas and the divisions thereof shall be elected by the electors of the counties, districts, or, as may be provided by law, other subdivisions, in which their respective courts are located, for terms of not less than six years, and each judge of a court of common pleas or division thereof shall reside during his term of office in the county, district, or subdivision in which his court is located.

(4) Terms of office of all judges shall begin on the days fixed by law, and laws shall be enacted to prescribe the times and mode of their election.

(B) The judges of the Supreme Court, courts of appeals, courts of common pleas, and divisions thereof, and of all courts of record established by law, shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be diminished during their term of office. The compensation of all judges of the Supreme Court, except that of the chief justice, shall be the same. The compensation of all judges of the courts of appeals shall be the same. Common pleas judges and judges of divisions thereof, and judges of all courts of record established by law shall receive such compensation as may be provided by law. Judges shall receive no fees or perquisites, nor hold any other office of profit or trust, under the authority of this state, or of the United States. All votes for any judge, for any elective office, except a judicial office, under the authority of this state, given by the General Assembly, or the people shall be void.

(C) No person shall be elected or appointed to any judicial office if on or before the day when he shall assume

the office and enter upon the discharge of its duties he shall have attained the age of seventy years. Any voluntarily retired judge, or any judge who is retired under this section, may be assigned with his consent, by the chief justice or acting chief justice of the Supreme Court to active duty as a judge and while so serving shall receive the established compensation for such office, computed upon a per diem basis, in addition to any retirement benefits to which he may be entitled. Laws may be passed providing retirement benefits for judges.

(1968, am. 1973)

REPEALED. PROBATE COURTS.

§7

(1851, am. 1912, 1947, 1951, rep. 1968)

REPEALED. PROBATE COURT; JURISDICTION.

§8

(1851, rep. 1968)

REPEALED. JUSTICES OF THE PEACE.

§9

(1851, rep. 1912)

REPEALED. OTHER JUDGES; ELECTION.

§10

(1851, rep. 1968)

REPEALED. CLASSIFICATION OF SUPREME COURT JUDGES.

§11

(1851, rep. 1883)

REPEALED. VACANCIES, HOW FILLED.

§12

(1851, am. 1912, rep. 1968)

VACANCY IN OFFICE OF JUDGE, HOW FILLED.

§13 In case the office of any judge shall become vacant, before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and has qualified; and such successor shall be elected for the unexpired term, at the first general election for the office which is vacant that occurs more than forty days after the vacancy shall have occurred; provided, however, that when the unexpired term ends within one year immediately following the date of such general election, an election to fill such unexpired term shall not be held and the appointment shall be for such unexpired term.

(1851, am. 1942)

REPEALED. REFERRED TO COMPENSATION AND INELIGIBILITY FOR OTHER OFFICE FOR SUPREME COURT JUSTICES AND COMMON PLEAS JUDGES.

§14

(1851, rep. 1968)

CHANGING NUMBER OF JUDGES; ESTABLISHING OTHER COURTS.

§15 Laws may be passed to increase or diminish the number of judges of the supreme court, to increase beyond one or diminish to one the number of judges of the court of common pleas in any county, and to establish other courts, whenever two-thirds of the members elected to each house shall concur

therein; but no such change, addition or diminution shall vacate the office of any judge; and any existing court heretofore created by law shall continue in existence until otherwise provided. (1851)

(1851, am. 1912) *STYLE OF PROCESS, PROSECUTION, AND INDICTMENT.*

REPEALED. CLERKS OF COURT ELECTIONS.

§16

(1851, rep. 1933)

JUDGES REMOVABLE.

§17 Judges may be removed from office, by concurrent resolution of both Houses of the General Assembly, if two-thirds of the members, elected to each House, concur therein; but, no such removal shall be made, except upon complaint, the substance of which, shall be entered on the journal, nor, until the party charged shall have had notice thereof, and an opportunity to be heard.

(1851)

POWERS AND JURISDICTION OF JUDGES.

§18 The several Judges of the supreme court, of the common pleas, and of such other courts as may be created, shall, respectively, have and exercise such power and jurisdiction, at chambers, or otherwise, as may be directed by law.

(1851)

COURTS OF CONCILIATION.

§19 The General Assembly may establish courts of Conciliation, and prescribe their powers and duties; but such courts shall not render final judgment, in any case, except upon submission,

by the parties, of the matter in dispute, and their agreement to abide such judgment.

(1851)

§20 The style of all process shall be, "The State of Ohio;" all prosecutions shall be carried on, in the name, and by the authority, of the State of Ohio; and all indictments shall conclude, "against the peace and dignity of the State of Ohio."

(1851)

SUPREME COURT COMMISSION.

§[21]22 A commission, which shall consist of five members, shall be appointed by the governor, with the advice and consent of the Senate, the members of which shall hold office for the term of three years from and after the first day of February, 1876, to dispose of such part of the business then on the dockets of the Supreme Court, as shall, by arrangement between said commission and said court, be transferred to such commission; and said commission shall have like jurisdiction and power in respect to such business as are or may be vested in said court; and the members of said commission shall receive a like compensation for the time being, with the judges of said court. A majority of the members of said commission shall be necessary to form a quorum or pronounce a decision, and its decision shall be certified, entered, and enforced as the judgments of the Supreme Court, and at the expiration of the term of said commission, all business undisposed of shall by it

be certified to the Supreme Court and disposed of as if said commission had never existed. The clerk and reporter of said court shall be the clerk and reporter of said commission, and the commission shall have such other attendants not exceeding in number those provided by law for said court, which attendants said commission may appoint and remove at its pleasure.

Any vacancy occurring in said commission, shall be filled by appointment of the governor, with the advice and consent of the Senate, if the Senate be in session, and if the Senate be not in session, by the governor, but in such last case, such appointment shall expire at the end of the next session of the General Assembly. The General Assembly may, on application of the Supreme Court duly entered on the journal of the court and certified, provide by law, whenever two-thirds of such [each] house shall concur therein, from time to time, for the appointment, in like manner, of a like commission with like powers, jurisdiction and duties; provided, that the term of any such commission shall not exceed two years, nor shall it be created oftener than once in ten years.

(1875)

***JUDGES IN LESS POPULOUS COUNTIES;
SERVICE ON MORE THAN ONE COURT.***

§23 Laws may be passed to provide that in any county having less than forty thousand population, as determined by the next preceding federal census, the board of county commissioners of such county, by a unanimous vote or ten percent of the number of electors of such county voting for governor at the next

preceding election, by petition, may submit to the electors of such county the question of providing that in such county the same person shall serve as judge of the court of common pleas, judge of the probate court, judge of the juvenile court, judge of the municipal court, and judge of the county court, or of two or more of such courts. If a majority of the electors of such county vote in favor of such proposition, one person shall thereafter be elected to serve in such capacities, but this shall not affect the right of any judge then in office from continuing in office until the end of the term for which he was elected.

Elections may be had in the same manner to discontinue or change the practice of having one person serve in the capacity of judge of more than one court when once adopted.

(1965)

ARTICLE V: ELECTIVE FRANCHISE

WHO MAY VOTE.

§1 Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, has the qualifications of an elector, and is entitled to vote at all elections. Any elector who fails to vote in at least one election during any period of four consecutive years shall cease to be an elector unless he again registers to vote.

(1851, am. 1923, 1957,
1970, 1976, 1977)

BY BALLOT.

§2 All elections shall be by ballot.

(1851)

voting, or of being eligible to office, any person convicted of a felony.

(1851, am. 1976)

NAMES OF CANDIDATES ON BALLOT.

§2a The names of all candidates for an office at any election shall be arranged in a group under the title of that office. The General Assembly shall provide by law the means by which ballots shall give each candidate's name reasonably equal position by rotation or other comparable methods to the extent practical and appropriate to the voting procedure used. At any election in which a candidate's party designation appears on the ballot, the name or designation of each candidate's party, if any, shall be printed under or after each candidate's name in less prominent type face than that in which the candidate's name is printed. An elector may vote for candidates (other than candidates for electors of president and vice-president of the United States, and other than candidates for governor and lieutenant governor) only and in no other way than by indicating his vote for each candidate separately from the indication of his vote for any other candidate.

(1949, am. 1975, 1976)

REPEALED. REFERRED TO THE PRIVILEGE FROM ARREST OF VOTERS DURING ELECTIONS.

§3

(1851, rep. 1976)

REPEALED. REFERRED TO THOSE PERSONS NOT CONSIDERED RESIDENTS OF THE STATE.

§5

(1851, rep. 1976)

IDIOTS OR INSANE PERSONS.

§6 No idiot, or insane persons, shall be entitled to the privileges of an elector.

(1851)

PRIMARY ELECTIONS.

§7 All nominations for elective state, district, county and municipal offices shall be made at direct primary elections or by petition as provided by law, and provision shall be made by law for a preferential vote for United States senator, but direct primaries shall not be held for the nomination of township officers or for the officers of municipalities of less than two thousand population, unless petitioned for by a majority of the electors of such township or municipality. All delegates from this state to the national conventions of political parties shall be chosen by direct vote of the electors in a manner provided by law. Each candidate for such delegate shall state his first and second choices for the presidency, but the name of no candidate for the presidency shall be so used without his written authority.

(1912, am. 1975)

EXCLUSION FROM FRANCHISE.

§4 The General Assembly shall have power to exclude from the privilege of

TERM LIMITS FOR U.S. SENATORS AND REPRESENTATIVES.

§8 No person shall hold the office of United States Senator from Ohio for a period longer than two successive terms of six years. No person shall hold the office of United States Representative from Ohio for a period longer than four successive terms of two years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1993 shall be considered in determining an individual's eligibility to hold office.

(1992)

ELIGIBILITY OF OFFICEHOLDERS.

§9 In determining the eligibility of an individual to hold an office in accordance with this article, (A) time spent in an office in fulfillment of a term to which another person was first elected shall not be considered provided that a period of at least four years passed between the time, if any, in which the individual previously held that office, and the time the individual is elected or appointed to fulfill the unexpired term, and (B) a person who is elected to an office in a regularly scheduled general election and resigns prior to the completion of the term for which he or she was elected, shall be considered to have served the full term in that office.

(1992)

ARTICLE VI: EDUCATION

FUNDS FOR RELIGIOUS AND EDUCATIONAL PURPOSES.

§1 The principal of all funds, arising from the sale, or other disposition of lands, or other property, granted or entrusted to this state for educational and religious purposes, shall be used or disposed of in such manner as the General Assembly shall prescribe by law.

(1851, am. 1968)

SCHOOL FUNDS.

§2 The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but, no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this State.

(1851)

PUBLIC SCHOOL SYSTEM, BOARDS OF EDUCATION.

§3 Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds: provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts.

(1912)

STATE BOARD OF EDUCATION.

§4 There shall be a state board of education which shall be selected in such manner and for such terms as shall be provided by law. There shall be a superintendent of public instruction, who shall be appointed by the state board of education. The respective powers and duties of the board and of the superintendent shall be prescribed by law.

(1912, am. 1953)

LOANS FOR HIGHER EDUCATION.

§5 To increase opportunities to the residents of the state for higher education, it is hereby determined to be in the public interest and a proper public purpose for the state to guarantee the repayment of loans made to residents of this state to assist them in meeting the expenses of attending an institution of higher education. Laws may be passed to carry into effect such purpose including the payment, when required, of any such guarantee from moneys available for such payment after first providing the moneys necessary to meet the requirements of any bonds or other obligations heretofore or hereafter authorized by any section of the constitution. Such laws and guarantees shall not be subject to the limitations or requirements of Article VIII or of Section 11 of Article XII of the constitution. Amended Substitute House Bill No. 618 enacted by the General Assembly on July 11, 1961, and Amended Senate Bill No. 284 enacted by the General Assembly on May 23, 1963, and all appropriations of moneys made for the purpose of such enactments, are hereby validated, ratified, confirmed, and approved in all respects, and they shall be in full force and ef-

fect from and after the effective date of this section, as laws of this state until amended or repealed by law.

(1965)

TUITION CREDITS PROGRAM.

§6 (A) To increase opportunities to the residents of this state for higher education, it is hereby determined to be in the public interest and a proper public purpose for the state to maintain a program for the sale of tuition credits such that the proceeds of such credits purchased for the benefit of a person then a resident of this state shall be guaranteed to cover a specified amount when applied to the cost of tuition at any state institution of higher education, and the same or a different amount when applied to the cost of tuition at any other institution of higher education, as may be provided by law.

(B) The tuition credits program and the Ohio tuition trust fund previously created by law, which terms include any successor to that program or fund, shall be continued subject to the same laws, except as may hereafter be amended. To secure the guarantees required by division (A) of this section, the general assembly shall appropriate money sufficient to offset any deficiency that occurs in the Ohio tuition trust fund, at any time necessary to make payment of the full amount of any tuition payment or refund that would have been required by a tuition payment contract, except for the contract's limit of payment to money available in the trust fund. Notwithstanding section 29 of Article II of this Constitution, or the limitation of a tuition payment contract executed before the effective date of this section,

such appropriations may be made by a majority of the members elected to each house of the general assembly, and the full amount of any such enhanced tuition payment or refund may be disbursed to and accepted by the beneficiary or purchaser. To these ends there is hereby pledged the full faith and credit and taxing power of the state.

All assets that are maintained in the Ohio tuition trust fund shall be used solely for the purposes of that fund. However, if the program is terminated or the fund is liquidated, the remaining assets after the obligations of the fund have been satisfied in accordance with law shall be transferred to the general revenue fund of the state.

Laws shall be passed, which may precede and be made contingent upon the adoption of this amendment by the electors, to provide that future conduct of the tuition credits program shall be consistent with this amendment. Nothing in this amendment shall be construed to prohibit or restrict any amendments to the laws governing the tuition credits program or the Ohio tuition trust fund that are not inconsistent with this amendment.

(1994)

ARTICLE VII: PUBLIC INSTITUTIONS

INSANE, BLIND, AND DEAF AND DUMB.

§1 Institutions for the benefit of the insane, blind, and deaf and dumb, shall always be fostered and supported by the State; and be subject to such regulations as may be prescribed by the General Assembly.

(1851)

DIRECTORS OF PENITENTIARY, TRUSTEES OF BENEVOLENT AND OTHER STATE INSTITUTIONS; HOW APPOINTED.

§2 The directors of the Penitentiary shall be appointed or elected in such manner as the General Assembly may direct; and the trustees of the benevolent, and other State institutions, now elected by the General Assembly, and of such other State institutions, as may be hereafter created, shall be appointed by the Governor, by and with the advice and consent of the Senate, and, upon all nominations made by the Governor, the question shall be taken by yeas and nays, and entered upon the journals of the Senate.

(1851)

FILLING VACANCIES IN DIRECTORSHIPS OF STATE INSTITUTIONS.

§3 The Governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the General Assembly, and, until a successor to his appointee shall be confirmed and qualified.

(1851)

ARTICLE VIII: PUBLIC DEBT AND PUBLIC WORKS

PUBLIC DEBT; LIMIT OF DEFICIT SPENDING BY STATE.

§1 The State may contract debts, to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time,

shall never exceed seven hundred and fifty thousand dollars; and the money, arising from the creation of such debts, shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

(1851)

STATE MAY INCUR DEBTS FOR DEFENSE OR TO RETIRE OUTSTANDING DEBTS.

§2 In addition to the above limited power, the State may contract debts to repel invasion, suppress insurrection, defend the State in war, or to redeem the present outstanding indebtedness of the State; but the money, arising from the contracting of such debts, shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever; and all debts, incurred to redeem the present outstanding indebtedness of the State, shall be so contracted as to be payable by the sinking fund, hereinafter provided for, as the same shall accumulate.

(1851)

REPEALED. REFERRED TO ADJUSTED COMPENSATION FOR SERVICE IN WORLD WAR I.

§2a

(1921, rep. 1953)

ADJUSTED COMPENSATION FOR SERVICE IN WORLD WAR II; WORLD WAR II VETERANS' BONUSES.

§2b The board of commissioners created by section 8 of Art. VIII of the Constitution of the state of Ohio, designated therein "The Commissioners of the Sinking Fund," shall, forthwith upon the adoption of this amendment,

proceed to issue and sell, from time to time, bonds of the state of Ohio in such amounts of face value as it may deem necessary to provide the funds, or such part thereof, as may be required to pay the compensation and the expenses of administering this section as herein provided for, provided, however, that the aggregate total amount of face value of bonds so issued shall not exceed three hundred million dollars. The full faith and credit of the state of Ohio is hereby pledged for the payment of such bonds. All bonds so issued shall mature in thirty semiannual installments after the respective dates thereof, and the maturities thereof shall be so fixed that the total amounts of payments on account of principal and interest to be paid on each of such semiannual installment payment dates shall be approximately equal, but no such bonds shall be issued or bear dates later than the first day of April, 1951. All bonds so issued shall bear interest at such rates as the commissioners of the sinking fund may fix, which interest shall be payable semi-annually. Such bonds, and the interest thereon as income, shall be exempt from all taxes levied by the state of Ohio or any taxing district thereof. The bonds may, at the option of the sinking fund commission, be issued subject to call on any interest payment date at par and accrued interest. All sales of such bonds by the commissioners of the sinking fund shall be in accordance with such regulations as it shall make and promulgate, provided, however, that such bonds shall be sold only to the highest bidder or bidders therefor after notice of such sale shall have been published once each week for three consecutive weeks on the same day of each of such weeks, the first of such notices

being published at least twenty-one full days before the date of sale, in a newspaper of general circulation in each of the eight most populous counties in the state of Ohio, and provided that each of such published notices shall state the day, hour and place of the sale, the total face value of the bonds to be sold, their denominations, dates, and the dates of their maturities, information relative to the rates of interest which the bonds will bear, and the dates upon which interest will be payable. The commissioners of the sinking fund shall have the right to reject any or all bids and to re-advertise and re-offer bonds for sale. Out of the proceeds of the sale of all bonds that amount which represents accrued interest, if any, shall be paid into the treasury of the state of Ohio into a fund to be known as the World War II compensation bond retirement fund. The balance shall be paid into the treasury of the state of Ohio into a fund to be known as the World War II compensation fund. The General Assembly of the state of Ohio may appropriate and cause to be paid into the World War II compensation bond retirement fund or the World War II compensation fund, out of the funds in the treasury of the state not otherwise appropriated, such amounts as it may deem proper for use upon order of the commissioners of the sinking fund for the purposes for which such funds are created as herein provided. If the General Assembly should so appropriate any funds to the World War II compensation fund prior to the time the commissioners of the sinking fund shall have issued bonds of the aggregate total amount of face value authorized in this section, the aggregate total amount of face value of bonds so authorized to be issued shall be reduced

by the amount of the funds so appropriated.

During the period of fifteen years beginning January 1, 1949, the treasurer of state of the state of Ohio shall without appropriation thereof by the General Assembly, transfer into said World War II compensation bond retirement fund one million dollars each month out of funds in the state treasury derived from taxes levied by the state for the purpose of providing revenues to defray the expenses of the state, excepting the taxes levied by the state by sections 5527, 5541, and 6291 of the General Code of Ohio [RC §5735.05, 5735.25, 4303.02] as the same may be in effect on the effective date of this section. To secure such monthly transfer of funds a lien is hereby created upon all funds coming into the state treasury after January 1, 1949, derived from taxes as aforesaid, which lien shall be the first and best lien upon all such funds. It shall be the duty of the treasurer of state to set aside and use for the purpose of making such monthly transfer of funds, part of each dollar received in the state treasury in each calendar year during said period of fifteen years beginning January 1, 1949, derived from taxes as aforesaid, so that the total amount of money so set aside in each of such calendar years shall be twelve million dollars, and so that the ratio which the amount of each dollar so set aside shall bear to one dollar shall be the same as the ratio which the amount of twelve million dollars shall bear to the total amount of money received in the state treasury in such calendar years derived from taxes as aforesaid. The treasurer of state shall set aside part of each dollar before paying out, transferring, or disposing of in

any other manner, such dollar or any part thereof for any other purpose whatsoever, and he shall make the transfer of one million dollars each month to the World War II compensation bond retirement fund, herein-above provided for, out of said sum of twelve million dollars so set aside in each of such calendar years.

The commissioners of the sinking fund shall, on or before the first day of July in each calendar year, levy and certify to the auditor of the state of Ohio a state tax on all taxable property subject to taxation on the general tax lists of all counties in the state of Ohio for such year at such rate as it shall determine to be necessary to provide, together with other money which will be available in the World War II compensation bond retirement fund, the total amount of funds which will be required in the next following calendar year for the retirement of bonds and the payment of interest payable in such year. Such levy shall be in addition to all other taxes levied now or hereafter within the period during which bonds issued pursuant to the provisions of this section shall be outstanding, by or pursuant to law or any provision of the Constitution of the state of Ohio, and shall not be considered in applying any limitation or aggregate tax rates now or hereafter within the period during which bonds issued pursuant to the provisions of this section shall be outstanding, provided by or pursuant to law or any provision of the Constitution of the state of Ohio. The auditor of state shall certify such levies to the auditor of each county in Ohio, who shall extend the same on the tax lists of his county for the year in which such levy is made and shall

place same for collection on the tax duplicates of his county to be collected the same time and in the same manner as other taxes on such duplicates. Said taxes herein authorized, when collected, shall be paid into the World War II compensation bond retirement fund in the treasury of the state. The World War II compensation bond retirement fund shall be paid out, without appropriation thereof by the General Assembly of Ohio, upon the order of the commissioners of the sinking fund for the purpose of the payment, or retirement in other manner, of said bonds and interest thereon.

The World War II compensation fund shall be paid out upon order of the commissioners of the sinking fund, without appropriation by the General Assembly of Ohio, in payment of the expenses of administering this section, and as compensation as follows: every person who shall have served in active duty in the armed forces of the United States at any time between December 7, 1941 and September 2, 1945, both dates inclusive, and who, at the time of commencing such service, was and had been a resident of the state of Ohio for at least one year immediately preceding the commencement of such service, and who shall have been separated from such service under honorable conditions, or who is still in such service, or who has been retired, and who was in service for a period of at least ninety days, shall be entitled to receive compensation of ten dollars for each month during which such person was in active domestic service and fifteen dollars for each month during which such person was in active foreign service within said period of time; provided, however, that

any person who was serving in active duty in the armed forces of the United States on the seventh day of December, 1941, and who did not so serve at least ninety days thereafter because of a service-connected injury or death shall be deemed to have served at least ninety days within the period of time commencing December 7, 1941 and ending September 2, 1945; and provided, further, that the maximum amount of compensation payable under this section shall not be in excess of four hundred dollars; and provided, further, that no compensation shall be paid under this section to any person who shall have received from another state a bonus or compensation of a like nature as is provided under this section. No compensation shall be paid under this section to any person for any periods of time spent under penal confinement during the period of active duty. Compensation for a fraction of a month of service shall be paid on the basis of one-thirtieth of the above monthly amounts for each day of such service. Service in the merchant marine of the United States shall not be considered for the purpose of this section. "Domestic service" as used herein means service within the continental limits of the United States (excluding Alaska). "Foreign service" as used herein means service in all other places, including sea duty.

Either the surviving husband or wife, or the surviving child or children, or the surviving parents or parent, of a deceased person shall be paid the same amount of compensation that such deceased person would be entitled to receive under this section, if living; provided, however, that if such deceased person's death was service-connected

and in line of duty, his survivors as hereinbefore designated, shall be paid four hundred dollars regardless of the amount of compensation which such deceased person would be entitled to receive under this section, if living; provided further, that the amount of compensation payable to such survivors of such deceased person shall be payable only to one of the three groups of survivors hereinbefore designated in the order in which said groups are herein named; and provided further, that the surviving husband or wife of more than one deceased person who would be entitled to receive compensation under this section, if living, shall be paid only that amount of compensation payable by reason of the first of the deaths of such deceased persons.

No sale or assignment of any right or claim to compensation under this section shall be valid, no claims of creditors shall be enforceable against rights or claims to or payments of compensation under this section, and no fees shall be charged for services in connection with the prosecution of any right or claim to compensation or the collection of any compensation under this section.

The commissioners of the sinking fund shall have complete charge of making payments of the compensation provided for in this section and shall adopt and promulgate regulations governing their procedure in connection therewith, including determinations as to who are proper beneficiaries and the amounts to which such beneficiaries are entitled, determinations as to whether an applicant has the necessary residence requirements, and such other regulations as it may deem necessary

and proper; provided, however, that all applications for payment of compensation under this section shall be made to the commissioners of the sinking fund before July 1, 1950.

The commissioners of the sinking fund shall select and appoint such legal counsel and employees as it may deem necessary, fix their compensation and prescribe their duties, and all such appointees shall serve at its pleasure.

The people of the state of Ohio declare that their enactment of this special amendment of the Constitution of the state of Ohio is to meet the specific emergency covered thereby, and they declare it to be their intention to in no manner affect or change any of the existing provisions of the said constitution except as herein set forth. The provisions of this section shall be self executing.

Upon the retirement of all the bonds that may be issued hereunder and the payment of all valid claims for compensation made within the limitations of time as prescribed herein, the commissioners of the sinking fund shall make a final report to the General Assembly of Ohio, and any balance remaining in any of the funds herein created and referred to shall be disposed of as shall be provided by law.

(1947)

CONSTRUCTION OF STATE HIGHWAY SYSTEM.

§2c The state may contract debts not exceeding five hundred million dollars for the purpose of providing moneys for acquisition of rights-of-way and for construction and reconstruction of

highways on the state highway system. Not more than one hundred twenty-five million dollars of the debt authorized by this section shall be contracted within any calendar year, and no part of such debt shall be contracted after the thirty-first day of March, 1962. The principal amount of any part of such debt at any time contracted shall be paid in substantially equal semiannual or annual installments, beginning not later than eighteen months after such debt is contracted, and in such number of installments that the entire debt shall be discharged not later than the year 1972. Securities evidencing the debt authorized by this section shall bear interest and shall be sold upon such terms as may be prescribed by law.

Both the principal of such debt and the interest thereon shall be exempt from taxation by this state or by any taxing subdivision thereof. Moneys raised under the authority of this section shall be expended only to provide adequate highways, including the acquisition of rights-of-way and including participation therein with the federal government, municipal corporations, counties and other legally authorized participants, but excluding costs of planning and supervision by the state. All construction shall be done by contract as shall be provided by law. No part of such proceeds shall be appropriated except to meet the requirements of programs or schedules of acquisition of rights-of-way, highway construction and reconstruction which the governor, or other highway authority with the concurrence of the governor, shall submit to the General Assembly before such appropriations are made. Such appropriations shall be made only for ma-

for thoroughfares of the state highway system and urban extensions thereof. The debt contracted under the authority of this section shall be paid by revenue bonds issued by the state of Ohio as provided by law, secured by a pledge of moneys derived from fees, excises or license taxes, levied by the state of Ohio, relating to registration, operation, or use of vehicles on public highways, or to fuels used for propelling such vehicles, and a sufficient amount thereof shall be set aside each year, before any other distribution is made, to pay the interest on the outstanding debt and principal of such debt becoming due in that year, without other appropriations, but according to regulations to be established by law.

The General Assembly shall meet on the second Monday in January, 1954, for the sole purpose of enacting laws pursuant to this section.

(1953)

KOREAN WAR VETERANS' BONUSES.

§2d The board of commissioners created by section 8 of Article VIII of the Ohio Constitution designated therein "The Commissioners of the Sinking Fund," shall, forthwith upon the adoption of this amendment, proceed to issue and sell, from time to time, bonds of the state of Ohio in such amounts of face value as are necessary to provide the funds, or such part thereof, as may be required to pay the compensation and the expenses of administering this section as herein provided for, provided that the aggregate total amount of face value of bonds so issued shall not exceed ninety million dollars. The full faith and credit of the state of Ohio is hereby pledged for the payment of such

bonds. All bonds so issued shall mature in thirty semiannual installments commencing not later than two years after the respective dates thereof. The maturities thereof shall be so fixed that the total amounts of payments on account of principal and interest to be paid on each of such semiannual installment payment dates shall be substantially equal. No such bonds shall be issued or bear dates later than the first day of April, 1959. All bonds so issued shall bear interest at such rates as the commissioners of the sinking fund may fix, which interest shall be payable semiannually. Such bonds, and the interest thereon as income, shall be exempt from all taxes levied by the state of Ohio or any taxing district thereof.

The bonds may, at the option of the Commissioners of the Sinking Fund, be issued subject to call on any interest payment date at par and accrued interest. All sales of such bonds by the Commissioners of the Sinking Fund shall be in accordance with such regulations as it shall make and promulgate, provided that such bonds shall be sold only to the highest bidder or bidders therefor after notice of such sale shall have been published once each week for three consecutive weeks on the same day of each of such weeks, the first of such notices being published at least twenty-one full days before the date of sale, in a newspaper of general circulation in each of the eight most populous counties in the state of Ohio, and provided that each of such published notices shall state the day, hour and place of the sale, the total face value of the bonds to be sold, their denominations, dates, and the dates of their maturities, information relative to the rates of interest which the bonds

will bear, and the dates upon which interest will be payable. The Commissioners of the Sinking Fund shall have the right to reject any or all bids and to readvertise and reoffer bonds for sale. Out of the proceeds of the sale of all bonds that amount which represents accrued interest, if any, shall be paid into the treasury of the state of Ohio into a fund to be known as The Korean Conflict Compensation Bond Retirement Fund. The balance shall be paid into the treasury of the state of Ohio into a fund to be known as The Korean Conflict Compensation Fund. The General Assembly of the state of Ohio may appropriate and cause to be paid into The Korean Conflict Compensation Bond Retirement Fund or The Korean Conflict Compensation Fund, out of the funds in the treasury of the state not otherwise appropriated, such amount as is proper for use upon order of the Commissioners of the Sinking Fund for the purposes for which such funds are created as herein provided. If the General Assembly should so appropriate any funds to The Korean Conflict Compensation Fund prior to the time the Commissioners of the Sinking Fund shall have issued bonds of the aggregate total amount of face value authorized in this section, the aggregate total amount of face value of bonds so authorized to be issued shall be reduced by the amount of the funds so appropriated.

The Commissioners of the Sinking Fund shall, on or before the first day of July in each calendar year, levy and certify to the auditor of the state of Ohio a state tax on all taxable property subject to taxation on the general tax lists of all counties in the state of Ohio for such year at such rate as it shall determine

to be necessary to provide, together with other money which will be available in The Korean Conflict Compensation Bond Retirement Fund, the total amount of funds which will be required in the next following calendar year for the retirement of bonds and the payment of interest payable in such year. Such levy shall be in addition to all other taxes levied now or hereafter within the period during which bonds issued pursuant to the provisions of this section shall be outstanding, by or pursuant to law or any provision of the Ohio Constitution shall not be considered in applying any limitation or aggregate tax rates now or hereafter the period during which bonds issued pursuant to the provisions of this section shall be outstanding, provided by or pursuant to law or any provision of the Ohio Constitution. The auditor of state shall certify such levies to the auditor of each county in the state of Ohio, who shall extend the same on the tax lists of his county for the year in which such levy is made and shall place the same for collection on the tax duplicates of his county to be collected at the same time and in the same manner as other taxes on such duplicates. Said taxes herein authorized, when collected, shall be paid into The Korean Conflict Compensation Bond Retirement Fund in the treasury of the state. The Korean Conflict Compensation Bond Retirement Fund shall be paid out, without appropriation thereof by the General Assembly of Ohio upon the order of the Commissioners of the Sinking Fund for the purpose of the payment, or retirement in other manner, of said bonds and interest thereon.

The Korean Conflict Compensation Fund shall be paid out upon order of the

Commissioners of the Sinking Fund, without appropriation by the General Assembly of Ohio, in payment of the expenses of administering this section, and as compensation as follows: Every person who shall have served on active duty in the armed forces of the United States at any time between June 25 1950, and July 19, 1953, both dates inclusive, and who at the time of commencing such service, was and had been a resident of the state of Ohio for at least one year immediately preceding the commencement of such service, and (1) who shall have been separated from such service under honorable conditions or (2) who is still in such service, or (3) who has been retired, shall be entitled to receive compensation of ten dollars for each month during which such person was in active domestic service and of fifteen dollars for each month during which such person was in active foreign service within said period of time; provided that the maximum amount of compensation payable under this section shall not be in excess of four hundred dollars; and provided that no compensation shall be paid under this section to any person who shall have received from another state a bonus or compensation of a like nature as is provided under this section. Compensation for a fraction of a month of service shall be paid on the basis of one-thirtieth of the above monthly amounts for each day of such service. Service in the Merchant Marine of the United States shall not be considered for the purpose of this section. "Domestic service" as used herein, means service within the continental limits of the United States excluding Alaska and sea duty. "Foreign service" as used herein means service in all other places, including sea duty.

No compensation shall be paid under this section to any person for any periods of time spent under penal confinement during the period of active duty.

Either the surviving husband or wife, or the surviving child or children, or the surviving parents or parent, including persons standing in loco parentis for one year preceding commencement of service in the armed forces of the United States, of a deceased person shall be paid the same amount of compensation that such deceased person would have been entitled to receive under this section, if living; provided that if such deceased person's death is determined to have been service-connected by the Veteran's Administration of the United States government, his survivors as herein designated, shall be entitled to four hundred dollars regardless of the amount of compensation which such deceased person would have been entitled to receive under this section if living; provided that the amount of compensation payable to such survivors of such deceased person shall be payable only to one of the three groups of survivors herein designated in the order in which said groups are named.

No sale or assignment of any right or claim to compensation under this section shall be valid, no claims of creditors shall be enforceable against rights or claims to or payments of compensation under this section, and no fees shall be charged for services in connection with the prosecution of any right or claim to compensation or the collection of any compensation under this section.

The Commissioners of the Sinking Fund shall have complete charge of making payments of the compensation

provided for in this section and shall adopt and promulgate regulations governing their procedure in connection therewith, including determinations as to who are proper beneficiaries and the amounts to which such beneficiaries are entitled, determinations as to whether an applicant has the necessary residence requirements, and such other regulations that are necessary and proper; provided that all applications for payment of compensation under this section shall be made to the Commissioners of the Sinking Fund before January 1, 1959.

The Commissioners of the Sinking Fund shall select and appoint such legal counsel and employees that are necessary, fix their compensation and prescribe their duties, and all such appointees shall serve at its pleasure.

The Commissioners of the Sinking Fund shall permit review of individual records of claims by representatives of recognized veterans organizations when authorized to do so by the applicant.

There is hereby transferred, out of the fund known as the "World War II Compensation Fund", created by section 2b of Article VIII of the Ohio Constitution, the sum of four million dollars, to The Korean Conflict Compensation Fund, for the purpose of defraying the immediate cost of administration and compensation.

The people of the state of Ohio declare that their enactment of this special amendment of the Ohio Constitution is to meet the specific emergency covered thereby, and they declare it to be their intention to in no manner affect or

change any of the existing provisions of the said constitution except as herein set forth. The provisions of this section shall be self executing.

Upon payment of all valid claims for compensation made within the limitations of time as prescribed herein, the Commissioners of the Sinking Fund may transfer any funds in The Korean Conflict Compensation Fund to The Korean Conflict Compensation Bond Retirement Fund.

Upon retirement of all of the bonds that may be issued hereunder and the payment of all valid claims for compensation made within the limitations of time as prescribed herein, the Commissioners of the Sinking Fund shall make a final report to the General Assembly of Ohio, and any balance remaining in any of the funds herein created and referred to shall be disposed of as shall be provided by law.

(1956)

PROVIDING MEANS FOR SECURING FUNDS FOR HIGHWAY AND PUBLIC BUILDING CONSTRUCTION.

§2e The state may borrow money and issue bonds or other obligations therefor for the purpose of acquiring, constructing, reconstructing and otherwise improving and equipping buildings and structures, excluding highways, and for the purpose of acquiring sites for such buildings and structures, for the penal, correctional, mental, and welfare institutions of the state; for the state supposed universities and colleges of the state; for class room facilities to be leased or sold by the state to public school districts unable within limitations provided by law to provide ade-

quate facilities without assistance from the state, and for state offices; provided that the aggregate total amount of such borrowing under authority of this section shall not exceed \$150,000,000. Not more than thirty million dollars of such borrowing shall be contracted within any calendar year. No part of such borrowing shall be contracted after the last day of December 1964. All bonds or other obligations issued pursuant to this section shall mature within twenty years from date of issue. Not more than \$75,000,000 of the total expenditure from such borrowing shall be for acquisition, construction, reconstruction and other improvement and equipping of buildings and structures, or for acquisition of sites for such buildings and structures, for the state supported universities and colleges, public school class room facilities and state offices; and not more than \$75,000,000 of the total expenditure from such borrowing shall be for acquisition, construction, reconstruction and other improvement and equipping of buildings and structures, or for acquisition of sites for such buildings and structures, for the penal, correctional, mental, and welfare institutions of the state.

The faith and credit of the state are hereby pledged for the payment of such bonds or other obligations and the interest thereon, and they shall be payable from all excises and taxes of the state, except ad valorem taxes on real and personal property, income taxes, and fees, excises, or license taxes relating to registration, operation, or use of vehicles on public highways, or to fuels used for propelling such vehicles.

During the period beginning with the effective date of the first authorization

to issue bonds or other obligations under authority of this section and ending on the last day of December 1964, and continuing during such time as such bonds or other obligations are outstanding, and moneys in the capital improvements bond retirement fund are insufficient to pay all interest, principal and charges for the issuance and retirement of such bonds and other obligations, there shall be levied, for the purpose of paying interest, principal, and charges for the issuance and retirement of such bonds and other obligations, an excise tax on sales of cigarettes at the rate of one-half cent on each ten cigarettes or fractional part thereof, and an excise tax on the use, consumption, or storage for consumption of cigarettes by consumers in this state at the rate of one-half cent on each ten cigarettes or fractional part thereof. Such tax on the use, consumption or storage for consumption of cigarettes by consumers in this state shall not be levied upon cigarettes upon which the tax on sales has been paid. The moneys received into the state treasury from the one-half cent excise tax on sales of cigarettes and from the one-half cent excise tax on the use, consumption or storage for consumption of cigarettes by consumers in this state shall be paid into the capital improvements bond retirement fund. The General Assembly of Ohio shall enact laws providing for the collection of such taxes.

There is hereby created in the state treasury a fund to be known as the capital improvements bond retirement fund. The capital improvements bond retirement fund shall consist of all moneys received by the state from taxes on cigarettes levied under authority of this

section, and all other moneys credited to the fund pursuant to law. Such moneys shall be expended, as provided by law, for the purpose of paying interest, principal, and charges for the issuance and retirement of bonds and other obligations issued under authority of this section.

Sufficient amounts of such moneys in the capital improvements bond retirement fund are hereby appropriated for the purpose of paying interest, principal, and charges for the issuance and retirement of bonds or other obligations issued under authority of this section, without other appropriations but according to law.

Any balance remaining in the capital improvements bond retirement fund after payment of all interest, principal, and charges for the issuance and retirement of bonds and other obligations issued under authority of this section, shall be disposed of as shall be provided by law.

As long as any of such bonds or other obligations are outstanding there shall be levied and collected, in amounts sufficient to pay the principal of and the interest on such bonds or other obligations, excises and taxes, excluding those above excepted.

The General Assembly shall meet on the third Monday of January, 1956 for the purpose of enacting laws pursuant to this section.

AUTHORIZING BOND ISSUE TO PROVIDE SCHOOL CLASSROOMS, SUPPORT FOR UNIVERSITIES, FOR RECREATION AND CONSERVATION AND FOR STATE BUILDINGS.

§2f In addition to the authorization in Article VIII, Section 2e, the state may borrow not to exceed two hundred fifty million dollars and issue bonds or other obligations therefor, for the purpose of acquiring, constructing, reconstructing, and otherwise improving and equipping buildings and structures, excluding highways; and for the purpose of acquiring lands and interests in lands for sites for such buildings and structures; and for the purpose of assisting in the development of the state, to acquire lands and interests in lands and to develop such lands and interests or other state lands for water impoundment sites, park and recreational uses, and conservation of natural resources; and for use in conjunction with federal grants or loans for any of such purposes. Of said amount, for the purpose of acquiring, constructing, reconstructing, and otherwise improving and equipping buildings and structures, excluding highways, and for the purpose of acquiring lands and interests in lands for sites for such buildings and structures, one hundred seventy-five million dollars shall be issued for the state supported or assisted colleges or universities including community colleges, municipal universities, and university branches, thirty-five million dollars shall be issued for providing classroom facilities for the public schools to be leased or sold by the state to public school districts unable, within the limitations provided by law, to provide adequate facilities without assistance from the state, and fifteen million dollars shall be issued for state

(1955)

functions, activities, offices, institutions, including penal, correctional, mental, and welfare, and research and development; and for the purpose of assisting in the development of the state by acquiring lands and interests in lands and to develop such lands and interests or other state lands for water impoundment sites, park and recreational uses, and conservation of natural resources twenty-five million dollars shall be issued. Not more than one hundred million dollars of such borrowing shall be contracted within any calendar year. No part of such borrowing shall be contracted after the thirty-first day of December, 1972. All bonds or other obligations issued pursuant to this section shall mature at such time or times not exceeding thirty years from date of issue and in such amounts as shall be fixed by the commissioners of the sinking fund, and shall bear interest and be sold as shall be authorized by law. Both the principal of such debt and the interest thereon shall be exempt from taxation within this state.

The faith and credit of the state are hereby pledged for the payment of such bonds or other obligations, and the interest thereon. They shall be payable from all excises and taxes of the state except ad valorem taxes on real and personal property, income taxes, and fees, excises or license taxes relating to registration, operation, or use of vehicles on public highways or to fuels used for propelling such vehicles. The excises and taxes of the state from which such bonds and other obligations shall be paid shall include an excise tax on sales of cigarettes at the rate of one-half cent on each ten cigarettes or fractional part thereof, and an excise tax

on the use, consumption, or storage for consumption of cigarettes by consumers in this state, at the rate of one-half cent on each ten cigarettes or fractional part thereof, which shall be levied during the period beginning with January 1, 1965, and continuing until December 31, 1972, and thereafter as long as any of such bonds and other obligations are outstanding and moneys in the separate and distinct bond retirement fund hereinafter created are insufficient to pay all interest, principal, and charges for the issuance and retirement of such bonds and other obligations. Such tax on the use, consumption, or storage for consumption of cigarettes by consumers in this state shall not be levied upon cigarettes upon which the tax on sales has been paid. The General Assembly of the state of Ohio shall enact laws providing for the collection of such taxes. The moneys received into the state treasury from such one-half cent excise tax on sales of cigarettes and from such one-half cent excise tax on the use, consumption, or storage for consumption of cigarettes by consumers in this state shall be paid into a separate and distinct bond retirement fund hereby created. There shall be transferred in each year from said bond retirement fund to the capital improvements bond retirement fund created by Article VIII, Section 2e of the Constitution of the State of Ohio, from the proceeds of the levy of such excise taxes on cigarettes, such amounts as may be necessary for the payment in such year of the interest, principal, and charges of the bonds or other obligations issued pursuant to said Article VIII, Section 2e falling due in such year, to the extent that moneys in said capital improvements bond retirement fund in such year are insuffi-

cient to pay such interest, principal, and charges.

The excise taxes on the sale, use, consumption or storage of cigarettes authorized to be levied by Article VIII, Section 2e of the Constitution of the State of Ohio for the payment of bonds and other obligations issued under authority of that section shall not be levied during any period that they are not required to be levied by Article VIII, Section 2e of the Constitution of the State of Ohio.

Sufficient amounts of such moneys remaining in said separate and distinct bond retirement fund created by this section, after such transfers, are hereby appropriated for the purpose of paying interest, principal, and charges for the issuance and retirement of bonds and other obligations issued under authority of this section, without other appropriations but according to law. In the event the moneys in the separate and distinct bond retirement fund created by this section are at any time insufficient to pay the current interest, principal, and charges for the issuance and retirement of bonds and other obligations issued under authority of this section, then such moneys as may be required to pay such current interest, principal, and charges are hereby appropriated for those purposes, without other appropriations but according to law, from the proceeds of all excises and taxes excluding those above excepted. Provision may be made by law for the transfer and the use of any amount in said separate and distinct bond retirement fund in excess of that required in any year for payment of interest, principal, and charges for the issuance and retirement of bonds and other obligations

issued under authority of said Article VIII, Section 2e and this section.

Any balance remaining in the separate and distinct bond retirement fund created by this section after payment of all interest, principal, and charges for the issuance and retirement of bonds or other obligations issued under authority of this section shall be disposed of for the purposes enumerated in this section as may be provided by law.

As long as any of such bonds or other obligations are outstanding there shall be levied and collected in amounts sufficient to pay the principal of and interest on such bonds or other obligations, excises and taxes, excluding those above excepted.

(1963)

*AUTHORIZING BOND ISSUE OR
OTHER OBLIGATIONS FOR HIGHWAY
CONSTRUCTION.*

§2g The state may contract debts not exceeding five hundred million dollars for the purpose of providing moneys for acquisition of rights-of-way and for construction and reconstruction of highways on the state highway system and urban extensions thereof. The principal amount of any part of such debt at any time contracted shall be paid at such time or times and in such amounts as shall be fixed by the Commissioners of the Sinking Fund provided that the entire debt shall be discharged not later than the year 1989. The bonds or other obligations evidencing the debt authorized by this section shall bear interest and shall be sold upon such terms as may be prescribed by law. Both the principal of such debt and the interest thereon shall be exempt from taxation

within this state. Moneys raised under the authority of this section shall be expended only to provide adequate highways, including engineering and the acquisition of rights-of-way and including participation therein with the federal government, municipal corporations, counties and other legally authorized participants. All construction shall be done by contract as shall be provided by law. No part of such proceeds shall be appropriated except to meet the requirements of programs or schedules or acquisition of rights-of-way, highway construction and reconstruction which the governor, or other highway authority designated by law, with the concurrence of the governor, shall submit to the General Assembly before such appropriations are made. Such appropriations shall be made only for major thoroughfares of the state highway system and urban extensions thereof. The debt contracted under the authority of this section shall be evidenced by bonds or other obligations issued by the state of Ohio as provided by law. The faith and credit of the state are hereby pledged for the payment thereof and the interest thereon. Such bonds or other obligations shall be paid from moneys derived from fees, excises, or license taxes, levied by the state of Ohio, relating to registration, operation, or use of vehicles on public highways, or to fuels used for propelling such vehicles, and a sufficient amount thereof, after provision for the amounts required by Article VIII, Section 2c of the Constitution of the State of Ohio for obligations issued pursuant to that section, is hereby appropriated in each year for the purpose of paying the interest on the outstanding debt and the principal of such debt contracted under authority of this sec-

tion becoming due in that year, without other appropriations, but according to regulations to be established by law. Provision may be made by law for the transfer and the use of any amount of such moneys in excess of that required, in any year, for the payment of interest on and the principal of such debt contracted under authority of this section and said section 2c.

(1964)

BOND ISSUE FOR STATE DEVELOPMENT.

§2h The state may, from time to time, borrow not to exceed two hundred ninety million dollars and issue bonds or other obligations thereof for any one or more of the following purposes: acquiring, constructing, reconstructing or otherwise improving and equipping buildings and structures of the state and state supported and assisted institutions of higher education, including those for research and development; acquiring lands and interests in lands for sites for such buildings and structures; assisting in the development of the state, to acquire and develop lands and interests in lands and develop other state lands for water impoundment sites, flood control, parks and recreational uses, or conservation of natural resources; to develop state parks and recreational facilities including the construction, reconstruction and improvement of roads and highways therein; to assist the political subdivisions of the state to finance the cost of constructing and extending water and sewerage lines and mains, for use in conjunction with federal grants or loans for any of such purposes; and for use in conjunction with other governmental entities in acquiring, constructing, reconstructing, improving, and equipping

water pipelines, stream flow improvements, airports, historical or educational facilities. The aggregate total amount of such borrowing outstanding under authority of this section shall not, at any time, exceed such sum as will require, during any calendar year, more than \$20,000,000 to meet the principal and interest requirements of any such bonds and other obligations, and the charges for the issuance and retirement of such bonds and other obligations, falling due that year. No part of such borrowing shall be contracted after the last day of December, 1970. All bonds or other obligations issued pursuant to this section shall mature within thirty years from the date of issue.

The faith and credit of the state are hereby pledged for the payment of such bonds or other obligations or the interest thereon, and they shall be payable from all excises and taxes of the state, except ad valorem taxes on real and personal property, income taxes, and fees, excises or license taxes relating to the registration, operation, or use of vehicles on the public highways, or to fuels used for propelling such vehicles, after making provision for payment of amounts pledged from such excises and taxes for payment of bonds issued under authority of Sections 2e and 2f of this Article.

During the period beginning with the effective date of the first authorization to issue bonds or other obligations under authority of this section and continuing during such time as such bonds or other obligations are outstanding and so long as moneys in the Development Bond Retirement Fund are insufficient to pay all interest, principal and charges

of such bonds or other obligations issued under authority of this section and becoming due in each year, a sufficient amount of moneys derived from such excises and taxes of the state is hereby appropriated in each year for the purpose of paying the interest, principal and charges for the issuance and retirement of bonds or other obligations issued under authority of this section becoming due in that year without other appropriation but according to law. The moneys derived from such excises and taxes and hereby appropriated shall be paid into a distinct bond retirement fund designated Development Bond Retirement Fund," hereby created. Such moneys shall be expended as provided by law for the purpose of paying interest, principal and charges for the issuance and retirement of bonds and other obligations issued under authority of this section.

Sufficient amounts of such moneys in the Development Bond Retirement Fund are hereby appropriated for the purpose of paying interest, principal and charges for the issuance and retirement of bonds or other obligations issued under authority of this section, so long as any of them are outstanding, without other appropriations but according to law.

Any balance remaining in the Development Bond Retirement Fund after payment of all interest, principal and charges for the issuance and retirement of bonds and other obligations issued under authority of this section, shall be disposed of as shall be provided by law.

As long as any of such bonds or other obligations are outstanding there shall be levied and collected, in amounts suf-

ficient to pay the principal of and the interest on such bonds or other obligations, excises and taxes, excluding those above excepted.

(1965)

CAPITAL IMPROVEMENT BONDS.

§2i In addition to the authorization otherwise contained in Article VIII of the Ohio Constitution, the General Assembly, in accordance with but subject to the limitations of this section, may authorize the issuance of obligations, including bonds and notes, of the state or of state institutions, boards, commissions, authorities, or other state agencies or instrumentalities for any one or more of the following public capital improvements: the construction, reconstruction, or other improvement of highways, including those on the state highway system and urban extensions thereof, those within or leading to public parks or recreational areas, and those within or leading to municipal corporations, the acquisition, construction, reconstruction, or other improvement of, and provision of equipment for, buildings, structures, or other improvements, and necessary planning and engineering, for water pollution control and abatement, including those for sewage collection, treatment, or disposal, water management, including those for water distribution, collection, supply, storage, or impoundment, and stream flow control, and flood control, state supported or assisted institutions of higher education, technical education, vocational education, juvenile correction, training and rehabilitation, parks and recreation, research and development with respect to transportation, highways, and highway transportation, mental hygiene

and retardation, police and fire training, airports, and other state buildings and structures, and the acquisition and improvement of real estate and interests therein required with respect to the foregoing, including participation in any such capital improvements with the federal government, municipal corporations, counties, or other governmental entities or any one or more of them which participation may be by grants, loans or contributions to them for any of such capital improvements. It is hereby determined that such capital improvements will directly or indirectly create jobs, enhance employment opportunities, and improve the economic welfare of the people of the state.

The issuance under authority of this section of obligations the holders or owners of which are given the right to have excises and taxes levied by the General Assembly for the payment of the principal thereof or interest thereon, herein called tax supported obligations, shall be subject to the following limitations. Not more than one hundred million dollars principal amount may be issued in any calendar year and not more than five hundred million dollars principal amount may be outstanding any one time for such capital improvements for highways and research and development with respect to highways and highway transportation, herein called highway obligations, provided that fifty per cent of the proceeds of the first five hundred million dollars of such tax supported highway obligations shall be used for urban extensions of state highways and highways within or leading to municipal corporations. Not more than two hundred fifty nine million dollars aggregate principal amount of such tax

supported obligations may be issued for the other capital improvements aforesaid, provided that from the proceeds thereof one hundred twenty million dollars shall be used for water pollution control and abatement and water management, one hundred million dollars shall be used for higher education, technical and vocational education, and juvenile correction, training and rehabilitation, twenty million dollars shall be used for parks and recreation, and nineteen million dollars for airports, and for construction, rehabilitation and equipping of other state buildings and structures, including those for police and fire training. If tax supported obligations are issued under authority of this section to retire tax supposed obligations previously issued under authority of this section, such new obligations shall not be counted against such limits to the extent that the principal amount thereof does not exceed the principal amount of the obligations to be retired thereby.

Each issue of tax supported obligations issued pursuant to this section shall mature in not more than thirty years from the date of issuance thereof, or, if issued to retire obligations issued hereunder, within thirty years from the date such debt was originally contracted. If such tax supposed obligations are issued as notes in anticipation of the issuance of bonds, provision shall be made by law for setting aside, so long as such notes are outstanding, into a special fund or funds such amounts from the sources authorized for payment of such bonds under this section as would be sufficient for payment of that amount of principal on such bonds that would have been payable during such period

if such bonds, maturing during a period of thirty years, had been issued without prior issuance of such notes. Such fund or funds may be used solely for the payment of principal of such notes or of bonds in anticipation of which such notes have been issued.

The faith and credit and excises of taxes of the state, excluding ad valorem taxes on real or personal property and income taxes, shall be pledged to the payment of the principal of and the interest on such tax supported obligations, sinking or bond retirement fund provisions shall be made therefor, and this section shall otherwise be implemented, all in the manner and to the extent provided by law by the General Assembly, including provisions for appropriation of pledged excises and taxes, and covenants to continue their levy, collection and application, to continue so long as such tax supported obligations are outstanding, without necessity for further appropriation notwithstanding Section 22 of Article II, Ohio Constitution; provided that the moneys referred to in Section 5a of Article XII, Ohio Constitution herein called highway user receipts, shall, after provision for payment of amounts pledged to obligations heretofore or hereafter issued under Sections 2c and 2g of this Article, be pledged to the payment of the principal of and interest on highway obligations authorized by this section but not to other obligations authorized hereby. If excises and taxes other than highway user receipts are pledged to the payment of the principal of or interest on highway obligations authorized by this section, in each year that such highway user receipts are available for such purpose, the same shall be appropriated

thereto and the required application of such other excises and taxes shall be reduced in corresponding amount.

The General Assembly also may authorize the issuance of revenue obligations and other obligations, the owners or holders of which are not given the right to have excises or taxes levied by the General Assembly for the payment of principal thereof or interest thereon, for such capital improvements for mental hygiene and retardation, parks and recreation, state supported and state assisted institutions of higher education, including those for technical education, water pollution control and abatement, water management, and housing of branches and agencies of state government, which obligations shall not be subject to other provisions of this section and shall not be deemed to be debts or bonded indebtedness of the state under other provisions of this constitution. Such obligations may be secured by a pledge under law, without necessity for further appropriation, of all or such portion as the General Assembly authorizes of charges for the treatment or care of mental hygiene and retardation patients, receipts with respect to parks and recreational facilities, receipts of or on behalf of state supported and state assisted institutions of higher education, or other revenues or receipts, specified by law for such purpose, of the state or its officers, departments, divisions, institutions, boards, commissions, authorities, or other state agencies instrumentalities, and this provision may be implemented by law to better provide therefor; provided, however, that any charges for the treatment or care of mental hygiene or retardation patients may be so pledged

only to obligations issued for capital improvements for mental hygiene and retardation, any receipts with respect to parks and recreation may be so pledged only to obligations issued for capital improvements for parks and recreation, any receipts of or on behalf of state supported or state assisted institutions of higher education may be pledged only to obligations issued for capital improvements for state supported or state assisted institutions of higher education, and any other revenues or receipts may be so pledged only to obligations issued for capital improvements which are in whole or in part useful to, constructed by, or financed by the department, board, commission, authority, or other agency or instrumentality that receives the revenues or receipts so pledged. The authority provided by this paragraph is in addition to, cumulative with, and not a limitation upon, the authority of the General Assembly under other provisions of this constitution; such paragraph does not impair any law heretofore enacted by the General Assembly, and any obligations issued under any such law consistent with the provisions of this paragraph shall be deemed to be issued under authority of this paragraph.

Both the principal of all obligations authorized under authority of this section and the interest thereon shall be exempt from taxation within this state.

(1968)

VIETNAM CONFLICT COMPENSATION FUND.

§2j The board of commissioners created by section 8 of Article VIII of the Ohio Constitution shall, forthwith upon the adoption of this amendment,

proceed to issue and sell, from time to time, bonds or notes of the state in such amounts of face value as are necessary to provide the funds, or such part thereof, as may be required to pay the compensation and the expenses of administering this section. The aggregate face value of bonds or notes so issued shall not exceed three hundred million dollars. The full faith and credit of the state is hereby pledged for the payment of such bonds or notes.

All bonds or notes so issued shall mature in not more than fifteen years commencing not later than two years after the respective dates thereof. The bonds or notes shall mature according to schedules set forth by the commissioners but shall not mature more than fifteen years after the date of issue. No bonds or notes shall be issued or bear dates later than the first day of April, 1977.

All bonds or notes shall bear interest at such rates as the commissioners determine and shall be payable semiannually. Such bonds or notes, and the interest thereon are exempt from all taxes levied by the state or any taxing district thereof. At the option of the commissioners, the bonds or notes may be issued subject to call on any interest payment date at par and accrued interest.

All sales of such bonds or notes by the commissioners shall be in accordance with such regulations as the commission adopts and promulgates. Such bonds or notes shall be sold only to the highest bidder or bidders after notice of sale has been published once each week for three consecutive weeks on the same day of each week, the first of

such notices being published at least twenty-one full days before the date of sale, in a newspaper of general circulation in each of the eight most populous counties in the state. Notices shall state the day, hour and place of the sale, the total face value of the bonds or notes to be sold, their denominations, dates, and the dates of their maturities, information relative to the rates of interest that the bonds or notes will bear, and the dates upon which interest will be payable. The commissioners may reject any or all bids and re-advertise and re-offer bonds or notes for sale.

Out of the proceeds of the sale of all bonds or notes, that amount that represents accrued interest, if any, shall be paid into the state treasury into a fund to be known as the Vietnam Conflict Compensation Bond Retirement Fund, and the balance shall be paid into the state treasury into a fund to be known as the Vietnam Conflict Compensation Fund. The General Assembly may appropriate and cause to be paid into the Vietnam Conflict Compensation Bond Retirement Fund or the Vietnam Conflict Compensation Fund, out of the funds in the treasury not otherwise appropriated, such amount as is proper for use, upon order of the commissioners for the purposes for which such funds are created. If the General Assembly appropriates any funds to the Vietnam Conflict Compensation Fund prior to the time the commissioners have issued bonds or notes of the aggregate amount of face value authorized in this section, the aggregate amount of face value of bonds or notes so authorized to be issued shall be reduced by the amount of the funds so appropriated.

On or before the first day of July in each calendar year, the commissioners shall certify to the auditor of state the total amount of funds it determines is necessary to provide, together with all other money that will be available in the Vietnam Conflict Compensation Bond Retirement Fund, for the retirement of bonds or notes and the payment of interest in the ensuing calendar year. The auditor of state shall transfer from the state general revenue fund to the Vietnam Conflict Compensation Bond Retirement Fund, without appropriation, an amount equal to the amount so certified. The Vietnam Conflict Compensation Bond Retirement Fund shall be paid out without appropriation by the General Assembly, upon the order of the commissioners for the purpose of the payment, or retirement in other manner, of said bonds or notes and interest thereon.

The Vietnam Conflict Compensation Fund shall be paid out upon order of the commissioners, without appropriation by the General Assembly, in payment of the expenses of administering this section, and as compensation as follows: every person, except persons ordered to active duty for training only, who has served on active duty in the armed forces of the United States at any time between August 5, 1964 and July 1, 1973, or who has served on active duty in the armed forces of the United States in Vietnam service, and who, at the time of commencing such service, was and had been a resident of the state for at least one year immediately preceding the commencement of such service, and (1) who was separated from such service under honorable conditions, (2) who is still in such service, or (3) who

has been retired, is entitled to receive compensation of ten dollars for each month during which such person was in active domestic service during the compensable period, fifteen dollars for each month during which such person was in active foreign service, but not Vietnam service, during the compensable period, and twenty dollars for each month during which such person was in active Vietnam service. The maximum amount of cash payable to any qualified applicant, unless such applicant qualifies for a payment based upon missing in action or prisoner of war status or unless such applicant qualifies for a survivor's payment, is five hundred dollars. No compensation shall be paid under this section to any person who received from another state a bonus or compensation of a like nature or to any person who has not served on active duty in the armed forces of the United States during the compensable period for at least ninety days unless active duty within such compensable period was terminated as a result of injuries or illness sustained in Vietnam service. Compensation for a fraction of a month of service shall be paid on the basis of one-thirtieth of the appropriate monthly amounts for each day of such service. Persons medically discharged or medically retired from service due to combat related disabilities sustained in Vietnam service shall be paid five hundred dollars. Service in the Merchant Marine of the United States shall not be considered for the purpose of this section. As used in this section "domestic service" means service within the territorial limits of the fifty states, excluding sea duty; "foreign service" means service in all other places, excluding Vietnam service; and "Vietnam service" means

military service within the Republic of Vietnam during the period between February 28, 1961 through July 1, 1973 or military service in southeast Asia for which hostile fire pay was awarded pursuant to Title 37, Section 310, United States Code, during the period February 28, 1961 through July 1, 1973.

No compensation shall be paid under this section to any person for any periods of time spent under penal confinement during the period of active duty.

Either the surviving spouse, or the surviving child or children, or the surviving parents, including persons standing in loco parentis for one year preceding commencement of service in the armed forces of the United States, of a deceased person shall be paid the same amount of compensation that the deceased would have been entitled to receive under this section, if living. If such deceased person's death is determined by the Veterans Administration of the United States to have been the result of injuries or illness sustained in Vietnam service his survivors as herein designated, are entitled to one thousand dollars, regardless of the amount of compensation which the deceased would have been entitled to receive under this section, if living. The amount of compensation payable to such survivors shall be payable only to one of the three groups of survivors herein designated in the order in which said groups are named.

Every person designated by the United States Department of Defense as missing in action as a result of honorable service or as held in enemy captivity or who is the spouse, or the child, or the parent, including persons standing

in loco parentis for one year preceding commencement of service, of a person designated by the Department of Defense as missing in action as a result of honorable service or held in enemy captivity, is entitled to one thousand dollars in lieu of other cash benefits payable under this section. The amount of compensation payable to such claimants for such missing or captive person shall be payable only to one of the groups of claimants herein designated in the order in which said groups are named. No payment to any survivor of a person designated as missing in action as a result of honorable service or held in enemy captivity, while such person is held captive or is missing in action, shall prevent such missing or captive person from claiming and receiving a bonus of an equal amount upon his being released or located.

The General Assembly shall provide by law for an educational assistance bonus which may be taken in lieu of the cash bonus by any person who served on active duty in the armed forces of the United States and who qualifies for a cash bonus under this section. The educational assistance bonus shall offer financial assistance at any educational institution deemed appropriate by the General Assembly. Such financial assistance shall be equal to twice the amount of the cash bonus for which such person qualifies under this section.

No sale or assignment of any right or claim to compensation under this section shall be valid, no claims of creditors shall be enforceable against rights or claims to or payments of compensation under this section, and no fees shall be charged for services in connec-

tion with the prosecution of any right or claim to compensation or the collection of any compensation under this section.

The commissioners shall have complete charge of making payments of the compensation provided for in this section and shall adopt and promulgate regulations governing their procedure in connection therewith, including determinations as to who are proper beneficiaries and the amounts to which such beneficiaries are entitled, determinations as to whether an applicant has the necessary residence requirements, and such other regulations that are necessary and proper. All applications for payment of compensation or educational bonuses under this section shall be made to the commissioners before January 1, 1978.

The commissioners shall select and appoint such legal counsel and employees as are necessary, fix their compensation and prescribe their duties, and all such appointees shall serve at its pleasure. When practical, the commissioners shall employ Vietnam veterans to fill such positions.

The commissioners shall permit review of individual records of claims by representatives of recognized veterans organizations when authorized to do so by the applicant.

There is hereby transferred to the Vietnam Conflict Compensation Fund, for the purpose of defraying the immediate cost of administration and compensation, out of the funds known as the "Korean Conflict Compensation Fund" and the "Korean Conflict Compensation Bond Retirement Fund" created by Section 2d of Article VIII of the Ohio

Constitution, the balance remaining after provision for payment of all outstanding bonds or notes, coupons, and charges.

The people of this state declare it to be their intention to in no manner affect or change any of the existing provisions of the constitution except as herein set forth. The provisions of this section shall be self executing.

Upon payment of all valid claims for cash compensation made within the limitations of time as prescribed herein, the commissioners may transfer any funds in the Vietnam Conflict Compensation Fund to the Vietnam Conflict Compensation Bond Retirement Fund.

Upon retirement of all of the bonds or notes that may be issued hereunder and the payment of all valid claims for cash compensation made within the limitations of time as prescribed herein, the commissioners of the sinking fund shall make a final report to the General Assembly, and any balance remaining in any of the funds herein created and referred to shall be disposed of as shall be provided by law.

(1973)

ISSUANCE OF BONDS FOR LOCAL GOVERNMENT PUBLIC INFRASTRUCTURE CAPITAL IMPROVEMENTS.

§2k (A) In addition to the authorization otherwise contained in Article VIII of the Ohio Constitution, the General Assembly may provide by law, in accordance with but subject to the limitations of this section, for the issuance of bonds and other obligations of the state for the purpose of financing or assisting in the financing of the cost of pub-

lic infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities as designated by law. As used in this section public infrastructure capital improvements shall be limited to roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related or incidental thereto. Capital improvements shall include without limitation the cost of acquisition, construction, reconstruction, expansion improvement, planning and equipping.

It is hereby determined that such public infrastructure capital improvements are necessary to preserve and expand the public capital infrastructure of such municipal corporations, counties, townships, and other governmental entities, ensure the public health, safety, and welfare, create and preserve jobs, enhance employment opportunities, and improve the economic welfare of the people of this state.

(B)(1) Not more than one hundred twenty million dollars principal amount of bonds and other obligations authorized under this section may be issued in any calendar year, provided that the aggregate total principal amount of bonds and other obligations authorized and issued under this section may not exceed one billion two hundred million dollars. Further limitations may be provided by law upon the amount of bonds that may be issued under this section in any year in order that the total debt charges of the state shall not exceed a

proportion of general revenue fund expenditures that would adversely affect the credit rating of the state. If obligations are issued under this section to retire or refund obligations previously issued under this section, the new obligations shall not be counted against those calendar year or total issuance limitations to the extent that their principal amount does not exceed the principal amount of the obligations to be retired or refunded.

(2) Provision shall be made by law for the use to the extent practicable of Ohio products, materials, services, and labor in the making of any project financed, in whole or in part, under this section.

(C) The state may participate in any public infrastructure capital improvement under this section with municipal corporations, counties, townships, or other governmental entities, or any one or more of them. Such participation may be by grants, loans, or contributions to them for any of such capital improvements. The entire proceeds of the bonds shall be used for the public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities, except to the extent that the General Assembly provides by law that the state may be reasonably compensated from such moneys for planning, financial management, or other administrative services performed in relation to the bond issuance.

(D)(1) Each issue of obligations issued under this section shall mature in not more than thirty years from the date of issuance, or, if issued to retire or refund other obligations issued under this section, within thirty years

from the date the debt was originally contracted. If obligations are issued as notes in anticipation of the issuance of bonds, provision shall be made by law for the establishment and maintenance, during the period in which the notes are outstanding, of a special fund or funds in to which shall be paid, from the sources authorized for the payment of such bonds, the amount that would have been sufficient, if bonds maturing during a period of thirty years had been issued without such prior issuance of notes, to pay the principal that would have been payable on such bonds during such period. Such fund or funds shall be used solely for the payment of principal of such notes or of bonds in anticipation of which such notes have been issued.

(2) The obligations issued under this section are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of the principal of and interest on such obligations as they become due hereinafter called debt service, and bond retirement fund provisions shall be made for payment of debt service. Provision shall be made by law for the sufficiency and appropriation, for purposes of paying debt service, of excises, taxes, and revenues so pledged to debt service, and for covenants to continue the levy, collection and application of sufficient excises, taxes, and revenues to the extent needed for such purpose. Notwithstanding Section 22 of Article II, Ohio Constitution, no further act of appropriation shall be necessary for that purpose. The obligations and the provision for the payment of debt service and repayment of any loans hereunder by governmental enti-

ties are not subject to Sections 5, 6, and 11 of Article XII Ohio Constitution.

(3) The moneys referred to in Section 5a of Article XII, Ohio Constitution, may not be pledged to the payment of debt service on obligations issued under authority of this section.

(4) The obligations issued under authority of this section, the transfer thereof, and the interest and other income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

(E) This section shall otherwise be implemented in the manner and to the extent provided by law by the General Assembly.

(1987)

PARKS, RECREATION, AND NATURAL RESOURCES PROJECT CAPITAL IMPROVEMENTS.

§21 (A) In addition to the authorizations otherwise contained in Article VIII of the Ohio Constitution, the General Assembly shall provide by law, in accordance with and subject to the limitations of this section, for the issuance of bonds and other obligations of the state for the purpose of financing or assisting in the financing of the costs of capital improvements for state and local parks and land and water recreation facilities; soil and water restoration and protection, land management including preservation of natural areas and reforestation; water management including dam safety, stream and lake management, and flood control and flood damage reduction, fish and wildlife resource management; and other projects that enhance the use and enjoyment of natural

resources by individuals. Capital improvements include without limitation the cost of acquisition, construction, reconstruction, expansion, improvement, planning, and equipping.

It is hereby determined that these capital improvements and provisions for them are necessary and appropriate to improve the quality of life of the people of this state, to better ensure the public health, safety, and welfare, and to create and preserve jobs and enhance employment opportunities.

(B)(1) Not more than fifty million dollars principal amount of obligations may be issued under this section in any fiscal year, and not more than two hundred million dollars principal amount may be outstanding at any one time. The limitations of this paragraph do not apply to any obligations authorized to be issued under this section to retire or refund obligations previously issued under this section, to the extent that their principal amount does not exceed the principal amount of the obligations to be retired or refunded.

(2) Each issue of obligations shall mature in not more than twenty-five years from the date of issuance, or, if issued to retire or refund other obligations issued under this section, within twenty-five years from the date the debt was originally contracted. If obligations are issued as bond anticipation notes, provision shall be made, by law or in the proceedings for the issuance of those notes, for the establishment and maintenance while the notes are outstanding of a special fund or funds into which there shall be paid, from the sources authorized for the payment of the bonds, the amount that would have been suffi-

cient, if bonds maturing serially in each year over a period of twenty-five years had been issued without the prior issuance of the notes, to pay the principal that would have been payable on those bonds during that period; such fund or funds shall be used solely for the payment of principal of those notes or of the bonds anticipated.

(C) The state may participate by grants or contributions in financing capital improvements under this section made by local government entities. Of the proceeds of the first two hundred million dollars principal amount in obligations issued under this section for capital improvements, at least twenty per cent shall be allocated to grants or contributions to local government entities for such capital improvements.

(D) The obligations issued under this section are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of the principal of and interest and other accreted amounts on those obligations as they become due, and bond retirement fund provisions shall be made for payment of that debt service. Provision shall be made by law for the sufficiency and appropriation for purposes of paying that debt service, of excises, taxes, and revenues so pledged to that debt service, and for covenants to continue the levy, collection, and application of sufficient excises, taxes, and revenues to the extent needed for that purpose. Notwithstanding Section 22 of Article II, Ohio Constitution, no further act of appropriation shall be necessary for that purpose. The moneys referred to in Section 5a of Article XII, Ohio Constitution,

may not be pledged to the payment of that debt service. The obligations and the provisions for the payment of debt service on them are not subject to Sections 5, 6, and 11 of Article XII Ohio Constitution, and, with respect to the purposes to which their proceeds are to be applied, are not subject to Sections 4 and 6 of Article VIII, Ohio Constitution.

(E) Obligations issued under authority of this section, the transfer thereof, and the interest and other income and accreted amounts therefrom including any profit made on the sale thereof, shall at all times be free from taxation within the state.

(F) This section shall be implemented in the manner and to the extent provided by law by the General Assembly.

(1993)

ISSUANCE OF GENERAL OBLIGATIONS.

§2m (A) In addition to the authorizations otherwise contained in Article VIII of the Ohio Constitution, the general assembly may provide by law, in accordance with but subject to the limitations of this section, for the issuance of bonds and other obligations of the state for the purpose of financing or assisting in the financing of the cost of public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities as designated by law, and the cost of highway capital improvements. As used in this section, public infrastructure capital improvements shall be limited to roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities,

and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related to or incidental thereto, and shall include without limitation the cost of acquisition, construction, reconstruction, expansion, improvement, planning, and equipping. As used in this section, highway capital improvements shall be limited to highways, including those on the state highway system and urban extensions thereof, those within or leading to public parks or recreation areas, and those within or leading to municipal corporations, and shall include without limitation the cost of acquisition, construction, reconstruction, expansion, improvement, planning, and equipping.

It is hereby determined that such public infrastructure capital improvements and highway capital improvements are necessary to preserve and expand the public capital infrastructure of the state and its municipal corporations, counties, townships, and other governmental entities, ensure the public health, safety, and welfare, create and preserve jobs, enhance employment opportunities, and improve the economic welfare of the people of this state.

(B) Not more than one hundred twenty million dollars principal amount of the infrastructure obligations authorized to be issued under this section, plus the principal amount of infrastructure obligations that in any prior fiscal years could have been but were not issued within the one-hundred-twenty-million-dollar fiscal year limit, may be issued in any fiscal year, provided that the aggregate total principal amount of

infrastructure obligations issued under this section for public infrastructure capital improvements may not exceed one billion two hundred million dollars; and provided further that no infrastructure obligations shall be issued pursuant to this section until at least one billion one hundred ninety-nine million five hundred thousand dollars aggregate principal amount of obligations have been issued pursuant to section 2k of Article VIII. Not more than two hundred twenty million dollars principal amount of highway obligations authorized to be issued under this section, plus the principal amount of highway obligations that in any prior fiscal years could have been but were not issued within the two-hundred-twenty-million-dollar fiscal year limit, may be issued in any fiscal year, and not more than one billion two hundred million dollars principal amount of highway obligations issued under this section may be outstanding at any one time. Further limitations may be provided by law upon the amount of infrastructure obligations and highway obligations, hereinafter collectively called obligations, that may be issued under this section in any fiscal year in order that the total debt charges of the state payable from the general revenue fund shall not exceed a proportion of general revenue fund expenditures that would adversely affect the credit rating of the state. If obligations are issued under this section to retire or refund obligations previously issued under this section, the new obligations shall not be counted against those fiscal year or total issuance limitations to the extent that their principal amount does not exceed the principal amount of the obligations to be retired or refunded.

Provision shall be made by law for the use to the extent practicable of Ohio products, materials, services, and labor in the making of any project financed, in whole or in part, under this section.

(C) The state may participate in any public infrastructure capital improvement or highway capital improvement under this section with municipal corporations, counties, townships, or other governmental entities as designated by law, or any one or more of them. Such participation may be by grants, loans, or contributions to them for any such capital improvements. The entire proceeds of the infrastructure obligations shall be used for public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities, except to the extent that the general assembly provides by law that the state may reasonably be compensated from such moneys for planning, financial management, or administrative services performed in relation to the issuance of infrastructure obligations.

(D) Each issue of obligations shall mature in not more than thirty years from the date of issuance, or, if issued to retire or refund other obligations, within thirty years from the date the debt originally was contracted. If obligations are issued as notes in anticipation of the issuance of bonds, provision shall be made by law for the establishment and maintenance, during the period in which the notes are outstanding, of a special fund or funds into which shall be paid, from the sources authorized for the payment of such bonds, the amount that would have been sufficient, if bonds maturing during a period

of thirty years had been issued without such prior issuance of notes, to pay the principal that would have been payable on such bonds during such period. Such fund or funds shall be used solely for the payment of principal of such notes or bonds in anticipation of which such notes have been issued.

The obligations are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of the principal of and premium and interest and other accreted amounts on outstanding obligations as they become due, hereinafter called debt service, and bond retirement fund provisions shall be made for payment of debt service. Provision shall be made by law for the sufficiency and appropriation, for purposes of paying debt service, of excises, taxes, and revenues so pledged to debt service, and for covenants to continue the levy, collection, and application of sufficient excises, taxes, and revenues to the extent needed for such purpose. Notwithstanding Section 22 of Article II, Ohio Constitution, no further act of appropriation shall be necessary for that purpose. The obligations and the provision for the payment of debt service, and repayment by governmental entities of any loans made under this section are not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution.

The moneys referred to in Section 5a of Article XII, Ohio Constitution may be pledged to the payment of debt service on highway obligations, but may not be pledged to the payment of debt service on infrastructure obligations. In each year that moneys referred to in Section

5a of Article XII, Ohio Constitution pledged to the payment of debt service on highway obligations issued under this section are available for such purpose, such moneys shall be appropriated thereto and the required application of any other excises and taxes shall be reduced in corresponding amount.

The obligations issued under authority of this section, the transfer thereof, and the interest, interest equivalent, and other income and accreted amounts therefrom, including any profit made on the sale, exchange, or other disposition thereof, shall at all times be free from taxation within the state.

(E) This section shall otherwise be implemented in the manner and to the extent provided by law by the general assembly, including provision for the procedure for incurring and issuing obligations, separately or in combination with other state obligations, and refunding, retiring, and evidencing obligations.

(F) The authorizations in this section are in addition to authorizations contained in other sections of Article VIII, Ohio Constitution, are in addition to and not a limitation upon the authority of the general assembly under other provisions of this constitution, and do not impair any law previously enacted by the general assembly, except that after December 31, 1996, no additional highway obligations of the state may be issued for any highway purposes under Section 2i of Article VIII, Ohio Constitution, except to refund highway obligations issued under section 2i that are outstanding on that date.

(1995)

FACILITIES FOR SYSTEM OF COMMON SCHOOLS AND FACILITIES FOR STATE-SUPPORTED AND STATE-ASSISTED INSTITUTIONS OF HIGHER EDUCATION.

§2n (A) The General Assembly may provide by law, subject to the limitations of and in accordance with this section, for the issuance of bonds and other obligations of the state for the purpose of paying costs of facilities for a system of common schools throughout the state and facilities for state-supported and state-assisted institutions of higher education. As used in this section, “costs” includes, without limitation, the costs of acquisition, construction, improvement, expansion, planning, and equipping.

(B) Each obligation issued under this section shall mature no later than the thirty-first day of December of the twenty-fifth calendar year after its issuance except that obligations issued to refund other obligations shall mature not later than the thirty-first day of December of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into.

(C) Obligations issued under this section are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of debt service on those outstanding obligations as it becomes due. For purposes of the full and timely payment of that debt service, appropriate provisions shall be made or authorized by law for bond retirement funds, for the sufficiency and appropriation of excises, taxes, and revenues so pledged to that debt service, for which purpose, notwithstanding Section 22

of Article II of the Ohio Constitution, no further act of appropriation shall be necessary, and for covenants to continue the levy, collection, and application of sufficient excises, taxes, and revenues to the extent needed for that purpose. Those obligations and the provisions for the payment of debt service on them are not subject to Sections 5, 6, and 11 of Article XII of the Ohio Constitution. Moneys referred to in Section 5a of Article XII of the Ohio Constitution may not be pledged or used for the payment of the debt service on those obligations. Moneys consisting of net state lottery proceeds may be pledged or used for payment of debt service on obligations issued under this section to pay costs of facilities for a system of common schools, but not on obligations issued under this section to pay costs of facilities for state-supported and state-assisted institutions of higher education.

In the case of the issuance of any of those obligations as bond anticipation notes, provision shall be made by law or in the bond or note proceedings for the establishment and the maintenance, during the period the notes are outstanding, of special funds into which there shall be paid, from the sources authorized for payment of the bonds anticipated, the amount that would have been sufficient to pay the principal that would have been payable on those bonds during that period if bonds maturing serially in each year over the maximum period of maturity referred to in division (B) of this section had been issued without the prior issuance of the notes. Those special funds and investment income on them shall be used solely for the payment of principal of those notes or of the bonds anticipated.

(D) As used in this section, “debt service” means principal and interest and other accreted amounts payable on the obligations referred to.

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

(F) This section shall be implemented in the manner and to the extent provided by the General Assembly by law, including provision for the procedure for incurring, refunding, retiring, and evidencing obligations issued as referred to in this section. The total principal amount of obligations issued under this section shall be as determined by the General Assembly, subject to the limitation provided for in Section 17 of this article.

(G) The authorizations in this section are in addition to authorizations contained in other sections of this article, are in addition to and not a limitation upon the authority of the General Assembly under other provisions of this Constitution, and do not impair any law previously enacted by the General Assembly.

(1999)

ISSUANCE OF BONDS AND OTHER OBLIGATIONS FOR ENVIRONMENTAL CONSERVATION AND REVITALIZATION PURPOSES.

§2o (A) It is determined and confirmed that the environmental and related conservation, preservation, and revitalization purposes referred to in divi-

sions (A)(1) and (2) of this section, and provisions for them, are proper public purposes of the state and local governmental entities and are necessary and appropriate means to improve the quality of life and the general and economic well-being of the people of this state; to better ensure the public health, safety, and welfare; to protect water and other natural resources; to provide for the conservation and preservation of natural and open areas and farmlands, including by making urban areas more desirable or suitable for development and revitalization; to control, prevent, minimize, clean up, or remediate certain contamination of or pollution from lands in the state and water contamination or pollution; to provide for safe and productive urban land use or reuse; to enhance the availability, public use, and enjoyment of natural areas and resources; and to create and preserve jobs and enhance employment opportunities. Those purposes are:

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

(2) Revitalization purposes, meaning providing for and enabling the environmentally safe and productive development and use or reuse of publicly and privately owned lands, including those within urban areas, by the remediation

or clean up, or planning and assessment for remediation or clean up, of contamination, or addressing, by clearance, land acquisition or assembly, infrastructure, or otherwise, that or other property conditions or circumstances that may be deleterious to the public health and safety and the environment and water and other natural resources, or that preclude or inhibit environmentally sound or economic use or reuse of the property.

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

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

(2) Not more than two hundred million dollars principal amount of obligations issued under this section for revitalization purposes may be outstanding in accordance with their terms at any

one time. Not more than fifty million dollars principal amount of those obligations, plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year. Those obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them. Those obligations shall be secured by a pledge of all or such portion of designated revenues and receipts of the state as the General Assembly authorizes, including receipts from designated taxes or excises, other state revenues from sources other than state taxes or excises, such as from state enterprise activities, and payments for or related to those revitalization purposes made by or on behalf of local governmental entities, responsible parties, or others. The General Assembly shall provide by law for prohibitions or restrictions on the granting or lending of proceeds of obligations issued under division (B)(2) of this section to parties to pay costs of cleanup or remediation of contamination for which they are determined to be responsible.

(C) For purposes of the full and timely payment of debt service on state obligations authorized by this section, appropriate provision shall be made or authorized by law for bond retirement funds, for the sufficiency and appropriation of state excises, taxes, and revenues pledged to the debt service on the respective obligations, for which purpose, notwithstanding Section 22 of Article II of the Ohio Constitution, no further act of appropriation shall be necessary,

and for covenants to continue the levy, collection, and application of sufficient state excises, taxes, and revenues to the extent needed for those purposes. Moneys referred to in Section 5a of Article XII of the Ohio Constitution may not be pledged or used for the payment of debt service on those obligations.

As used in this section, “debt service” means principal and interest and other accreted amounts payable on the obligations referred to.

(D)(1) Divisions (B) and (C) of this section shall be implemented in the manner and to the extent provided by the General Assembly by law, including provision for procedures for incurring, refunding, retiring, and evidencing state obligations issued pursuant to this section. Each state obligation issued pursuant to this section shall mature no later than the thirty-first day of December of the twenty-fifth calendar year after its issuance, except that obligations issued to refund or retire other obligations shall mature not later than the thirty-first day of December of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into.

(2) In the case of the issuance of state obligations under this section as bond anticipation notes, provision shall be made by law or in the bond or note proceedings for the establishment, and the maintenance during the period the notes are outstanding, of special funds into which there shall be paid, from the sources authorized for payment of the particular bonds anticipated, the amount that would have been sufficient to pay the principal that would have been payable on those bonds during

that period if bonds maturing serially in each year over the maximum period of maturity referred to in division (D)(1) of this section had been issued without the prior issuance of the notes. Those special funds and investment income on them shall be used solely for the payment of principal of those notes or of the bonds anticipated.

(E) In addition to projects undertaken by the state, the state may participate or assist, by grants, loans, loan guarantees, or contributions, in the financing of projects for purposes referred to in this section that are undertaken by local governmental entities or by others, including, but not limited to, not-for-profit organizations, at the direction or authorization of local governmental entities. Obligations of the state issued under this section and the provisions for payment of debt service on them, including any payments by local governmental entities, are not subject to Sections 6 and 11 of Article XII of the Ohio Constitution. Those obligations, and obligations of local governmental entities issued for the public purposes referred to in this section, and provisions for payment of debt service on them, and the purposes and uses to which the proceeds of those state or local obligations, or moneys from other sources, are to be or may be applied, are not subject to Sections 4 and 6 of Article VIII of the Ohio Constitution.

(F) The powers and authority granted or confirmed by and under this section, and the determinations and confirmations in this section, are independent of, in addition to, and not in derogation of or a limitation on, powers, authority, determinations, or confirmations under

laws, charters, ordinances, or resolutions, or by or under other provisions of the Ohio Constitution including, without limitation, Section 36 of Article II, Sections 2i, 2l, 2m, and 13 of Article VIII, and Articles X and XVIII, and do not impair any previously adopted provision of the Ohio Constitution or any law previously enacted by the General Assembly.

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

(2000)

ISSUANCE OF BONDS FOR ECONOMIC AND EDUCATIONAL PURPOSES AND LOCAL GOVERNMENT PROJECTS.

§2p (A) It is determined and confirmed that the development purposes referred to in this division, and provisions for them, are proper public purposes of the state and local governmental entities and are necessary and appropriate means to create and preserve jobs and enhance employment and educational opportunities; to improve the quality of life and the general and economic well-being of all the people and businesses in all areas of this state, including economically disadvantaged businesses and individuals; and to preserve and expand the public capital infrastructure; all to better ensure the public health, safety, and welfare. Those purposes are:

(1) Public infrastructure capital improvements, which shall be limited to roads and bridges, waste water treatment systems, water supply systems,

solid waste disposal facilities, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related to or incidental thereto, and shall include, without limitation, the cost of acquisition, construction, reconstruction, expansion, improvement, planning, and equipping;

(2) Research and development in support of Ohio industry, commerce, and business (hereinafter referred to as “research and development purposes”), which shall include, without limitation, research and product innovation, development, and commercialization through efforts by and collaboration among Ohio business and industry, state and local public entities and agencies, public and private education institutions, or research organizations and institutions, all as may be further provided for by state or local law, but excluding purposes provided for in Section 15 of Article VIII, Ohio Constitution; and

(3) Development of sites and facilities in Ohio for and in support of industry, commerce, distribution, and research and development purposes.

(B) The General Assembly may provide by law, in accordance with but subject to the limitations of this section, for the issuance of general obligation bonds and other obligations of the state for the purpose of financing or assisting in the financing of the cost of projects implementing those purposes.

(1) Not more than one billion three hundred fifty million dollars principal amount of state general obligations

may be issued under this section for public infrastructure capital improvements. Not more than one hundred twenty million dollars principal amount of those obligations may be issued in each of the first five fiscal years of issuance and not more than one hundred fifty million dollars principal amount of those obligations may be issued in each of the next five fiscal years of issuance, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued within those fiscal year limits. No infrastructure obligations may be issued pursuant to this division and division (C) of this section until at least one billion one hundred ninety-nine million five hundred thousand dollars aggregate principal amount of state infrastructure obligations have been issued pursuant to Section 2m of Article VIII, Ohio Constitution.

(2) Not more than one billion two hundred million dollars principal amount of state general obligations may be issued under this section for research and development purposes. Not more than four hundred fifty million dollars principal amount of those obligations may be issued in total from fiscal years 2006 through 2011, not more than two hundred twenty-five million dollars principal amount of those obligations may be issued in the next fiscal year of issuance, and not more than one hundred seventy-five million dollars principal amount of those obligations may be issued in any other fiscal year, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued.

(3) Not more than one hundred fifty million dollars principal amount of

state general obligations may be issued under this section for development of sites and facilities for industry, commerce, distribution, and research and development purposes. Not more than thirty million dollars principal amount of those obligations may be issued in each of the first three fiscal years of issuance, and not more than fifteen million dollars principal amount of those obligations may be issued in any other fiscal year, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued.

(C) Each issue of state general obligations for public infrastructure capital improvements or development of sites and facilities shall mature in not more than thirty years from the date of issuance, and each issue of state general obligations for research and development purposes shall mature in not more than twenty years from the date of issuance; or, if issued to retire or refund other obligations, within that number of years from the date the debt being retired or refunded was originally issued. If state general obligations are issued as notes in anticipation of the issuance of bonds, provision shall be made by law for the establishment and maintenance, during the period in which the notes are outstanding, of a special fund or funds into which shall be paid, from the sources authorized for the payment of such bonds, the amount that would have been sufficient, if bonds maturing during the permitted period of years had been issued without such prior issuance of notes, to pay the principal that would have been payable on such bonds during such period. Such fund or funds shall be used solely for the payment

of principal of such notes or bonds in anticipation of which such notes have been issued. Notwithstanding anything to the contrary in Section 2k or 2m of Article VIII, obligations issued under this section or Section 2k or 2m to retire or refund obligations previously issued under this section or Section 2k or 2m shall not be counted against the fiscal year or total issuance limitations provided in this section or Section 2k or 2m, as applicable.

The obligations issued under this division and division (B) of this section are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of the principal of and premium and interest and other accreted amounts on outstanding obligations as they become due (hereinafter called debt service), and bond retirement fund provisions shall be made for payment of that debt service. Provision shall be made by law for the sufficiency and appropriation, for purposes of paying debt service, of excises, taxes, and revenues so 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 that purpose. Notwithstanding Section 22 of Article II, Ohio Constitution, no further act of appropriation shall be necessary for that purpose. The obligations and the provision for the payment of debt service, and repayment by governmental entities of any loans made under this section, are not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution. Moneys referred to in Section 5a of Article XII, Ohio Constitution may not be pledged or used for the pay-

ment of that debt service. Debt service on obligations issued for research and development purposes and for development of sites and facilities shall not be included in the calculation of total debt service for purposes of division (A) of Section 17 of Article VIII, Ohio Constitution.

(D)(1) The state may participate in any public infrastructure capital improvement under this section with municipal corporations, counties, townships, or other governmental entities as designated by law, or any one or more of them. Such participation may be by grants, loans, or contributions to them for any such capital improvements. The entire proceeds of the infrastructure obligations shall be used for public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities, except to the extent that the General Assembly provides by law that the state may reasonably be compensated from such moneys for planning, financial management, or administrative services performed in relation to the issuance of infrastructure obligations.

(2)(a) Implementation of the research and development purposes includes supporting any and all related matters and activities, including: attracting researchers and research teams by endowing research chairs or otherwise; activities to develop and commercialize products and processes; intellectual property matters such as copyrights and patents; property interests, including time sharing arrangements; and financial rights and matters such as royalties, licensing, and other financial gain or sharing resulting from research and

development purposes. State and local public moneys, including the proceeds of bonds, notes, and other obligations, may be used to pay costs of or in support of or related to these research and development purposes, including, without limitation, capital formation, direct operating costs, costs of research and facilities, including interests in real property therefor, and support for public and private institutions of higher education, research organizations or institutions, and private sector entities. The exercise of these powers by the state and state agencies, including state-supported and state-assisted institutions of higher education, and local public entities and agencies, may be jointly or in coordination with each other, with researchers or research organizations and institutions, with private institutions of higher education, with individuals, or with private sector entities. State and local public participation may be in such manner as the entity or agency determines, including by any one or a combination of grants, loans including loans to lenders or the purchase of loans, subsidies, contributions, advances, or guarantees, or by direct investments of or payment or reimbursement from available moneys, or by providing staffing or other support, including computer or other technology capacity, or equipment or facilities, including interests in real property therefor, and either alone or jointly, in collaborative or cooperative ventures, with other public agencies and private sector entities including not for profit entities. In addition to other state-level monetary participation as referred to in this section or otherwise, state-supported and state-assisted institutions of higher education may, as authorized from time

to time by the General Assembly, issue obligations to pay costs of participating in and implementing research and development purposes. In addition to the other obligations authorized in or pursuant to this section, the General Assembly also may authorize the state and state agencies and local public entities and agencies, and corporations not for profit designated by any of them as such agencies or instrumentalities, to issue obligations to borrow and loan or otherwise provide moneys for research and development purposes, including, but not limited to, obligations for which moneys raised by taxation shall not be obligated or pledged for the payment of debt service and which are therefore not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution.

(b) Implementation of the research and development purposes shall include utilization of independent reviewers to review the merits of proposed research and development projects and to make recommendations concerning which proposed projects should be awarded support from the proceeds of the sale of obligations under this section. Prior to the utilization of an independent reviewer, the state agency proposing to award the support for a project shall provide the name and other descriptive information regarding the independent reviewer to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives. If the recommendations of an independent reviewer with respect to a proposed project are not adopted by the state agency proposing to award the support for the project, the agency shall notify the Governor, the President and Minority Leader of

the Senate, and the Speaker and Minority Leader of the House of Representatives of that fact and explain the reasons for not adopting the recommendations.

(c) From the proceeds of the sale of obligations issued under this section, not more than four hundred fifty million dollars may be awarded, promised, or otherwise committed in total for research and development purposes from fiscal years 2006 through 2011, not more than two hundred twenty-five million dollars may be awarded, promised, or otherwise committed for research and development purposes in fiscal year 2012, and not more than one hundred seventy-five million dollars may be awarded, promised, or otherwise committed for research and development purposes in any other fiscal year beginning in fiscal year 2013 and thereafter, plus in each case the amount of the proceeds that in any prior fiscal year could have been but were not awarded.

(3) Development of sites and facilities for and in support of industry, commerce, distribution, and research and development purposes includes acquisition of real estate and interests in real estate, site preparation including any necessary remediation and cleanup, constructing and improving facilities, and providing public infrastructure capital improvements and other transportation and communications infrastructure improvements for and in support of the use of those sites and facilities for those purposes. State and local public moneys, including the proceeds of bonds, notes, and other obligations, may be used to pay costs of those purposes. The exercise of these powers by the state and state agencies and local pub-

lic entities and agencies, may be jointly or in coordination with each other, and with individuals or private sector business entities. State and local public participation may be in such manner as the entity or agency determines, including by any one or a combination of grants, loans including loans to lenders or the purchase of loans, subsidies, contributions, advances, or guarantees, or by direct investments of or payment or reimbursement from available moneys. In addition to other state-level monetary participation as referred to in this section or otherwise, state-supported and state-assisted institutions of higher education, and local public entities and agencies may, as authorized from time to time by the General Assembly, issue obligations to pay costs of participating in and implementing the development of sites and facilities.

(E) Obligations issued under authority of this section for research and development purposes and site and facility development purposes, provisions for the payment of debt service on them, the purposes and uses to which and the manner in which the proceeds of those obligations or moneys from other sources are to or may be applied, and other implementation of those development purposes as referred to in this section, are not subject to Sections 4 and 6 of Article VIII, Ohio Constitution. Obligations issued under authority of this section, the transfer thereof, and the interest, interest equivalent, and other income and accreted amounts therefrom, including any profit made on the sale, exchange, or other disposition thereof, shall at all times be free from taxation within the state.

(F) This section shall otherwise be implemented in the manner and to the extent provided by law by the General Assembly, including provision for the procedure for incurring and issuing obligations, separately or in combination with other obligations, and refunding, retiring, and evidencing obligations; provision for ensuring the accountability of all state funding provided for the development purposes referred to in division (A) of this section; provision for restricting or limiting the taking of private property under Section 19 of Article I for disposition to private sector entities for the purposes identified in divisions (A)(2) and (3) of this section or restricting the disposition of that property to private sector entities or individuals; and provision for the implementation of the development purposes referred to in division (A) of this section to benefit people and businesses otherwise qualified for receipt of funding for the development purposes referred to in division (A) of this section, including economically disadvantaged businesses and individuals in all areas of this state, including by the use to the extent practicable of Ohio products, materials, services, and labor.

(G) The powers and authority granted or confirmed by and under, and the determinations in, this section are independent of, in addition to, and not in derogation of or a limitation on, powers, authority, determinations, or confirmations under laws or under other provisions of the Ohio Constitution including, without limitation, Section 7 of Article I, Section 5 of Article VI, Sections 2i, 2n, 2o, 13, and 15 of Article VIII, Article X, and Section 3 of Article XVIII, and do not impair any

previously adopted provisions of the Ohio Constitution or any law previously enacted by the General Assembly or by a local public agency.

(2005, 2010)

ISSUANCE OF BONDS FOR CONTINUATION OF ENVIRONMENTAL REVITALIZATION AND CONSERVATION.

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

(1) Conservation purposes, meaning conservation and preservation of natural areas, open spaces, and farmlands and other lands devoted to agriculture, including by acquiring land or interests

therein; provision of state and local park and recreation facilities, and other actions that permit and enhance the availability, public use, and enjoyment of natural areas and open spaces in Ohio; and land, forest, water, and other natural resource management projects;

(2) Revitalization purposes, meaning providing for and enabling the environmentally safe and productive development and use or reuse of publicly and privately owned lands, including those within urban areas, by the remediation or clean up, or planning and assessment for remediation or clean up, of contamination, or addressing, by clearance, land acquisition or assembly, infrastructure, or otherwise, that or other property conditions or circumstances that may be deleterious to the public health and safety and the environment and water and other natural resources, or that preclude or inhibit environmentally sound or economic use or reuse of the property.

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

(1) Not more than two hundred million dollars principal amount of obligations issued under this section for conservation purposes may be outstanding in accordance with their terms at any one time. Not more than fifty million dollars principal amount of those obligations, plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued within the fifty-million-dollar

fiscal year limit, may be issued in any fiscal year. Those obligations shall be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of debt service on them as it becomes due, all as provided in this section.

(2) Not more than two hundred million dollars principal amount of obligations issued under this section for revitalization purposes may be outstanding in accordance with their terms at any one time. Not more than fifty million dollars principal amount of those obligations, plus the principal amount of those obligations that in any prior fiscal year could have been but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year. Those obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them. Those obligations shall be secured by a pledge of all or such portion of designated revenues and receipts of the state as the General Assembly authorizes, including receipts from designated taxes or excises, other state revenues from sources other than state taxes or excises, such as from state enterprise activities, and payments for or related to those revitalization purposes made by or on behalf of local governmental entities, responsible parties, or others. The general assembly shall provide by law for prohibitions or restrictions on the granting or lending of proceeds of obligations issued under division (B)(2) of this section to parties to pay costs of cleanup or remediation of contamination for which they are determined to be responsible.

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

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

(D)(1) Divisions (B) and (C) of this section shall be implemented in the manner and to the extent provided by the General Assembly by law, including provision for procedures for incurring, refunding, retiring, and evidencing state obligations issued pursuant to this section. Each state obligation issued pursuant to this section shall mature no later than the thirty-first day of December of the twenty-fifth calendar year after its issuance, except that obligations issued to refund or retire other obligations shall mature not later than the thirty-first day of December of the twenty-fifth calendar year after the year in which the original obligation to pay was issued or entered into.

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

(E) In addition to projects undertaken by the state, the state may participate or assist, by grants, loans, loan guarantees, or contributions, in the financing of projects for purposes referred to in this section that are undertaken by local governmental entities or by others, including, but not limited to, not-for-profit organizations, at the direction or authorization of local governmental entities. Obligations of the state issued under this section and the provisions for payment of debt service on them, including any payments by local governmental entities, are not subject to Sections 6 and 11 of Article XII of the Ohio Constitution. Those obligations, and obligations of local governmental entities issued for the public purposes referred to in this section, and provisions for payment of debt service on them, and the purposes and uses to

which the proceeds of those state or local obligations, or moneys from other sources, are to be or may be applied, are not subject to Sections 4 and 6 of Article VIII of the Ohio Constitution.

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

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

(2008)

***PERSIAN GULF, AFGHANISTAN, AND IRAQ
CONFLICTS COMPENSATION FUND***

§2r. (A) Upon the request of the department of veterans services, the Ohio public facilities commission shall proceed to issue and sell, from time to time, bonds or other obligations of the state in such amounts as are necessary to provide all or part of the funds as may be required to pay the compensation established by, and the expenses of administering, this section. The origi-

nal principal amount of obligations so issued shall not exceed two hundred million dollars, provided that obligations issued under this section to retire or refund obligations previously issued under this section shall not be counted against that issuance limitation. The full faith and credit, revenue, and taxing power of the state is hereby pledged for payment of debt service on such obligations issued under this section, and the state covenants to continue the levy, collection, and application of sufficient state excises, taxes, and revenues to the extent needed for those purposes; provided that moneys referred to in Section 5a of Article XII of the Constitution of the State of Ohio may not be pledged or used for the payment of debt service. As used in this section, "debt service" means principal and interest and other accreted amounts payable on the obligations authorized by this section.

Each obligation so issued shall mature not later than the thirty-first day of December of the fifteenth calendar year after its issuance, except that obligations issued to refund obligations under this section shall mature not later than the thirty-first day of December of the fifteenth calendar year after the year in which the original obligation was issued. Except for obligations issued under this section to retire or refund obligations previously issued under this section, no obligations shall be issued under this section later than December 31, 2013.

In the case of the issuance of any obligations under this section as bond anticipation notes, provision shall be made in the bond or note proceedings for the establishment, and the maintenance dur-

ing the period the notes are outstanding, of special funds into which there shall be paid, from the sources authorized for payment of the bonds anticipated, the amount that would have been sufficient to pay the principal that would have been payable on those bonds during that period if bonds maturing serially in each year over the maximum period of maturity referred to in this section had been issued without the prior issuance of the notes. Those special funds and investment income on them shall be used solely for the payment of debt service on those notes or the bonds anticipated.

The obligations issued under this section, their transfer, and the interest, interest equivalent, and other income thereon, including any profit made on their sale, exchange, or other disposition, shall at all times be free from taxation within the state.

Such obligations may be sold at public or private sale as determined by the Ohio public facilities commission.

(B) Out of the proceeds of the sale of all obligations, except those issued to refund or retire obligations previously issued under this section, the amount that represents accrued interest, if any, shall be paid into the state treasury into the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund, which is hereby created. As determined at the time of sale, the amount that represents premium shall be paid into either the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund or the Persian gulf, Afghanistan, and Iraq conflicts compensation fund, which is hereby created in the state treasury.

The balance of the proceeds shall be paid into the Persian gulf, Afghanistan, and Iraq conflicts compensation fund. All proceeds of the sale of any obligations issued under this section to refund or retire obligations previously issued under this section shall be paid into the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund and used to pay debt service on those outstanding obligations so refunded. The general assembly may appropriate and cause to be paid into the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund or the Persian gulf, Afghanistan, and Iraq conflicts compensation fund, out of money in the treasury not otherwise appropriated, such amount as is proper for use for the purposes for which such funds are created. Except for amounts advanced by the general assembly to the Persian gulf, Afghanistan, and Iraq conflicts compensation fund with the express expectation of reimbursement from the proceeds of obligations paid into that fund, and except for amounts transferred under division (E) of this section for the purpose of defraying the immediate cost of administration and compensation, if the general assembly appropriates any funds to the Persian gulf, Afghanistan, and Iraq conflicts compensation fund prior to the time obligations have been issued in the original principal amount authorized in this section, that original principal amount authorized in this section shall be reduced by the amount of funds appropriated.

(C) On or before the fifteenth day of July of each fiscal year, the Ohio public facilities commission shall certify, or cause to be certified, to the direc-

tor of budget and management the total amount of money required during the current fiscal year, together with all other money that will be available in the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund, to meet in full all debt service and related financing costs on the obligations issued under this section. The director shall transfer from the general revenue fund to the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund, without necessity of appropriation by the general assembly, an amount equal to the amount so certified, and those funds shall be used for the payment of the debt service.

(D)(1) The Persian gulf, Afghanistan, and Iraq conflicts compensation fund shall be paid out upon the order of the department of veterans services, without necessity of appropriation by the general assembly, in payment of the expenses of administering this section and as compensation as follows to each person who meets all of the following requirements:

(a) The person has served in active duty in the United States armed forces, except active duty for training only, at any time between August 2, 1990, and March 3, 1991, at any time between October 7, 2001, and the date determined by the president of the United States as the end of involvement of the United States armed forces in Afghanistan, or at any time between March 19, 2003, and the date determined by the president of the United States as the end of the involvement of the United States armed forces in Iraq.

(b) The person was an Ohio resident at the start of active duty service and is currently an Ohio resident.

(c) The person was separated from the United States armed forces under honorable conditions, is still serving in active duty service, or remains in any reserve component of the United States armed forces or in the Ohio national guard after serving on active duty.

A person who meets the requirements of divisions (D)(1)(a), (b), and (c) of this section is entitled to, and may apply to receive, compensation of fifty dollars for each month of active domestic or foreign service and one hundred dollars for each month of Persian gulf, Afghanistan, or Iraq service during the compensable periods. A person who is medically discharged or medically retired from service due to combat-related disabilities sustained during Persian gulf, Afghanistan, or Iraq service is entitled to, and may apply to receive, compensation of one thousand dollars. The maximum amount of cash payable to any person in active domestic or foreign service is five hundred dollars and the maximum amount of cash payable to any person in Persian gulf, Afghanistan, or Iraq service is one thousand dollars, unless the person qualifies for a survivor's payment or a payment based on missing in action or prisoner of war status under division (D)(2) or (D)(3) of this section. Compensation for a fraction of a month of service shall be paid on the basis of one-thirtieth of the appropriate monthly amount for each day of service.

(2) The surviving spouse, surviving child or children, or surviving parent or parents, including a person or persons

standing in loco parentis for at least one year preceding commencement of service in the United States armed forces, is entitled to, and may apply to receive, the same amount of compensation that the person who served in the armed forces would have received under division (D)(1) of this section. If the United States department of veterans' affairs determines that the person's death was the result of injuries or illness sustained in Persian gulf, Afghanistan, or Iraq service, the person's survivors are entitled to, and may apply for, a survivor's payment of five thousand dollars, regardless of the amount of compensation that the deceased would have been entitled to receive under this section, if living. The survivor's payment shall be made to the surviving spouse. If there is no surviving spouse, the payment shall go to the surviving child or children. If there are no surviving children, the payment shall go to the surviving parent or parents or person or persons standing in loco parentis for at least one year preceding commencement of service in the United States armed forces.

(3) A person designated by the United States department of defense as missing in action as a result of honorable service or held in enemy captivity, or the spouse, child, or parent, including a person standing in loco parentis for at least one year preceding commencement of service in the United States armed forces, of a person designated as missing in action or held in enemy captivity, is entitled to, and may apply for, a payment of five thousand dollars. This payment replaces any other cash benefit payable under this section. While the person is missing or held captive, the payment shall be made to the person's

spouse. If there is no spouse to claim the payment, payment shall be made to the person's child or children. If the person does not have children, payment shall be made to the person's parent or parents or person or persons standing in loco parentis for at least one year preceding commencement of service in the United States armed forces.

No payment to a spouse, child, parent, or person in loco parentis of a person designated as missing in action as a result of honorable service or held in enemy captivity, while the person is missing in action or held captive, shall prevent the missing or captive person from claiming and receiving a bonus of an equal amount on the person's release or location.

(4) Compensation shall not be paid under this section as follows:

(a) To any person who received from another state a bonus or compensation of a similar nature;

(b) To any person who served less than ninety days in the United States armed forces, unless active duty was terminated as a result of injuries or illness sustained during Persian gulf, Afghanistan, or Iraq service during the compensable period;

(c) To any person for any time period spent under penal confinement during the compensable period.

(5) No sale or assignment of any right or claim to compensation under this section shall be valid. No claims of creditors shall be enforceable against rights or claims to or payments of compensation under this section. No fees

shall be charged for services in connection with the prosecution of any right or claim to compensation or the collection of any compensation under this section.

(6) All applications for payment of compensation under this section shall be made to the department of veterans services according to the following schedule:

(a) For Persian gulf service, not later than December 31, 2013;

(b) For Afghanistan service, not later than three years after the date determined by the president of the United States as the end of involvement of the United States armed forces in Afghanistan;

(c) For Iraq service, not later than three years after the date determined by the president of the United States as the end of involvement of the United States armed forces in Iraq.

(7) As used in this section:

“Afghanistan service” means military service within Afghanistan during the period between October 7, 2001, and the date determined by the president of the United States as the end of the involvement of the United States armed forces in Afghanistan.

“Domestic service” means service within the territorial limits of the fifty states.

“Foreign service” means service in locations other than the territorial limits of the fifty states, excluding Persian gulf, Afghanistan, or Iraq service.

“Iraq service” means military service within Iraq during the period between

March 19, 2003, and the date determined by the president of the United States as the end of the involvement of the United States armed forces in Iraq.

“Persian gulf service” means military service within the Persian gulf theater of operations during the period between August 2, 1990, and March 3, 1991.

“United States armed forces” includes the army, air force, navy, marine corps, and coast guard; any active reserve component of such forces; and members of the Ohio national guard serving on active duty.

(E) The department of veterans services (hereinafter referred to as the “department”) shall have complete charge of making payment of compensation under division (D) of this section and shall adopt rules, including rules regarding the amounts to which beneficiaries are entitled, residency requirements for purposes of division (D)(1)(b) of this section, and any other rules necessary to implement this section. These rules shall be adopted in accordance with Chapter 119. of the Revised Code.

The department shall select and appoint legal counsel and employees as are necessary and fix their compensation and prescribe their duties. All appointees shall serve at the pleasure of the director of veterans services. When practical, the department shall employ Persian gulf, Afghanistan, and Iraq conflict veterans to fill such positions. The general assembly shall transfer necessary funds to the Persian gulf, Afghanistan, and Iraq conflicts compensation fund and to the department’s operating budget, for the purpose of defraying the immediate cost of administration and

compensation. Any funds so transferred shall not reduce the original principal amount of obligations that may be issued under this section.

On payment of all valid claims for cash compensation made within the time limitations under this section, the department may transfer any funds remaining in the Persian gulf, Afghanistan, and Iraq conflicts compensation fund to the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund.

On retirement of all of the obligations issued under this section and payment of all valid claims for cash compensation made within the time limitations under this section, the department shall make a final report to the general assembly. Any balance remaining in the Persian gulf, Afghanistan, and Iraq conflicts compensation fund or the Persian gulf, Afghanistan, and Iraq conflicts compensation bond retirement fund shall be transferred or disposed of as provided by law.

Notwithstanding any other provision of this section to the contrary, valid claims for cash compensation made within the time limitations under this section shall be paid only if adequate funds remain in the Persian gulf, Afghanistan, and Iraq conflicts compensation fund.

(F) The people of this state declare it to be their intention that this amendment in no manner affects or changes any of the existing provisions of the Constitution except as set forth in this section. The provisions of this section shall be self-executing.

(G) Debt service on obligations issued pursuant to this section shall not be in-

cluded in the calculation of total debt service for purposes of division (A) of Section 17 of Article VIII of the Constitution of the State of Ohio.

(H) As provided in divisions (C) and (D)(1) of this section, no further act of appropriation is necessary, notwithstanding Section 22 of Article II of the Constitution of the State of Ohio.

(I) Any reference in this section to a public office, officer, or body shall include any successor thereto.

(2009)

ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS TO FUND PUBLIC INFRASTRUCTURE CAPITAL IMPROVEMENTS

§2s. (A) In addition to the authorizations otherwise contained in Article VIII of the Ohio Constitution, the General Assembly may provide by law, in accordance with and subject to the limitations of this section, for the issuance of bonds and other obligations of the state for the purpose of financing or assisting in the financing of the cost of public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities as designated by law. As used in this section, public infrastructure capital improvements shall be limited to roads and bridges, waste water treatment systems, water supply systems, solid waste disposal facilities, and storm water and sanitary collection, storage, and treatment facilities, including real property, interests in real property, facilities, and equipment related to or incidental thereto, and shall include, without limitation, the cost of acquisition, construction, reconstruction, ex-

pansion, improvement, planning, and equipping.

It is hereby determined that such public infrastructure capital improvements are necessary to preserve and expand the public capital infrastructure of such municipal corporations, counties, townships, and other governmental entities, ensure the public health, safety, and welfare, create and preserve jobs, enhance employment opportunities, and improve the economic welfare of the people of this state.

(B) Not more than one billion eight hundred seventy-five million dollars principal amount of state general obligations may be issued under this section for public infrastructure capital improvements. Not more than one hundred seventy-five million dollars principal amount of those obligations may be issued in each of the first five fiscal years of issuance and not more than two hundred million dollars principal amount of those obligations may be issued in each of the next five fiscal years of issuance, plus in each case the principal amount of those obligations that in any prior fiscal year could have been but were not issued within those fiscal year limits. No obligations may be issued pursuant to this section until all of the state infrastructure obligations authorized under Section 2p of Article VIII, Ohio Constitution have been issued.

(C) Each issue of obligations issued under this section shall mature in not more than thirty years from the date of issuance, or, if issued to retire or refund other obligations, within that number of years from the date the debt being retired or refunded was originally issued.

If state general obligations are issued as notes in anticipation of the issuance of bonds, provision shall be made by law for the establishment and maintenance, during the period in which the notes are outstanding, of a special fund or funds into which shall be paid, from the sources authorized for the payment of such bonds, the amount that would have been sufficient, if bonds maturing during the permitted period of years had been issued without such prior issuance of notes, to pay the principal that would have been payable on such bonds during such period. Such fund or funds shall be used solely for the payment of principal of such notes or bonds in anticipation of which such notes have been issued. Obligations issued under this section to retire or refund obligations previously issued under this section or Section 2k, 2m, or 2p shall not be counted against the fiscal year or total issuance limitations provided in this section or Section 2k, 2m, or 2p, as applicable.

(D) The obligations issued under this section are general obligations of the state. The full faith and credit, revenue, and taxing power of the state shall be pledged to the payment of the principal of and premium and interest and other accreted amounts on outstanding obligations as they become due (hereinafter called debt service), and bond retirement fund provisions shall be made for payment of that debt service. Provision shall be made by law for the sufficiency and appropriation, for purposes of paying debt service, of excises, taxes, and revenues so 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 that purpose. Notwithstanding Section 22 of Article II, Ohio Constitution, no further act of appropriation shall be necessary for that purpose. The obligations and the provision for the payment of debt service, and repayment by governmental entities of any loans made under this section, are not subject to Sections 5, 6, and 11 of Article XII, Ohio Constitution. Moneys referred to in Section 5a of Article XII, Ohio Constitution may not be pledged to the payment of that debt service.

(E) The state may participate in any public infrastructure capital improvement under this section with municipal corporations, counties, townships, or other governmental entities as designated by law, or any one or more of them. Such participation may be by grants, loans, or contributions to them for any such capital improvements. The entire proceeds of the infrastructure obligations shall be used for public infrastructure capital improvements of municipal corporations, counties, townships, and other governmental entities, except to the extent that the General Assembly provides by law that the state may reasonably be compensated from such moneys for planning, financial management, or administrative services performed in relation to the issuance of infrastructure obligations.

(F) Obligations issued under authority of this section, the transfer thereof, and the interest, interest equivalent, and other income and accreted amounts therefrom, including any profit made on the sale, exchange, or other disposition thereof, shall at all times be free from taxation within the state.

(G) This section shall otherwise be implemented in the manner and to the extent provided by law by the General Assembly, including provision for the procedure for incurring and issuing obligations, separately or in combination with other obligations, and refunding, retiring, and evidencing obligations, and provision for the use to the extent practicable of Ohio products, materials, services, and labor in the making of any project financed, in whole or in part, under this section.

(H) The powers and authority granted or confirmed by and under, and the determinations in, this section are independent of, in addition to, and not in derogation of or a limitation on, powers, authority, determinations, or confirmations under laws or under other provisions of the Ohio Constitution and do not impair any previously adopted provisions of the Ohio Constitution or any law previously enacted by the General Assembly or by a local public agency.

(2014)

***THE STATE TO CREATE NO OTHER DEBT;
EXCEPTIONS.***

§3 Except the debts above specified in sections one and two of this article, no debt whatever shall hereafter be created by, or on behalf of the State.

(1851)

***CREDIT OF STATE; THE STATE SHALL NOT
BECOME JOINT OWNER OR STOCKHOLDER.***

§4 The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual association or corporation whatever; nor shall the State ever hereafter become a joint owner, or

stockholder, in any company or association in this State, or elsewhere, formed for any purpose whatever.

(1851)

NO ASSUMPTION OF DEBTS BY THE STATE.

§5 The State shall never assume the debts of any county, city, town, or township, or of any corporation whatever, unless such debt shall have been created to repel invasion, suppress insurrection, or defend the State in war.

(1851)

sufficient to pay the accruing interest on such debt, and, annually, to reduce the principal thereof, by a sum not less than one hundred thousand dollars, increased yearly, and each and every year, by compounding, at the rate of six per cent per annum. The said sinking fund shall consist, of the net annual income of the public works and stocks owned by the State, of any other funds or resources that are, or may be, provided by law, and of such further sum, to be raised by taxation, as may be required for the purposes aforesaid.

(1851)

COUNTIES, CITIES, TOWNS, OR TOWNSHIPS, NOT AUTHORIZED TO BECOME STOCKHOLDERS, ETC.; INSURANCE, ETC.

§6 No laws shall be passed authorizing any county, city, town or township, by vote of its citizens, or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for, or to loan its credit to, or in aid of, any such company, corporation, or association: provided, that nothing in this section shall prevent the insuring of public buildings or property in mutual insurance associations or companies. Laws may be passed providing for the regulation of all rates charged or to be charged by any insurance company, corporation or association organized under the laws of this state, or doing any insurance business in this state for profit.

(1851, am. 1912)

SINKING FUND.

§7 The faith of the State being pledged for the payment of its public debt, in order to provide therefor, there shall be created a sinking fund, which shall be

THE COMMISSIONERS OF THE SINKING FUND.

§8 The governor, treasurer of state, auditor of state, secretary of state, and attorney general, are hereby created a board of commissioners, to be styled, "The Commissioners of the Sinking Fund."

(1851, am. 1947)

BIENNIAL REPORT OF SINKING FUND COMMISSIONERS.

§9 The commissioners of the sinking fund shall, immediately preceding each regular session of the General Assembly, make an estimate of the probable amount of the fund, provided for in the seventh section of this article, from all sources except from taxation, and report the same, together with all their proceedings relative to said fund and the public debt, to the Governor, who shall transmit the same with his regular message, to the General Assembly; and the General Assembly shall make all necessary provision for raising and dis-

bursing said sinking fund, in pursuance of the provisions of this article.

(1851)

APPLICATION OF SINKING FUND.

§10 It shall be the duty of the said Commissioners faithfully to apply said fund, together with all moneys that may be, by the General Assembly, appropriated to that object, to the payment of the interest, as it becomes due, and the redemption of the principal of the public debt of the State, excepting only, the school and trust funds held by the State.

(1851)

SEMIANNUAL REPORT OF SINKING FUND COMMISSIONERS.

§11 The said Commissioners shall, semiannually, make a full and detailed report of their proceedings to the Governor, who shall, immediately, cause the same to be published, and shall also communicate the same to the General Assembly, forthwith, if it be in session, and if not, then at its first session after such report shall be made.

(1851)

REPEALED. PROVIDED FOR A SUPERINTENDENT OF PUBLIC WORKS.

§12

(1851, am. 1912, rep. 1974)

ECONOMIC DEVELOPMENT.

§13 To create or preserve jobs and employment opportunities, to improve the economic welfare of the people of the state, to control air, water, and thermal pollution, or to dispose of solid waste, it is hereby determined to be in the pub-

lic interest and a proper public purpose for the state or its political subdivisions, taxing districts, or public authorities, its or their agencies or instrumentalities, or corporations not for profit designated by any of them as such agencies or instrumentalities, to acquire, construct, enlarge, improve, or equip, and to sell, lease, exchange, or otherwise dispose of property, structures, equipment, and facilities within the state of Ohio for industry, commerce, distribution, and research, to make or guarantee loans and to borrow money and issue bonds or other obligations to provide moneys for the acquisition, construction, enlargement, improvement, or equipment, of such property, structures, equipment and facilities. Laws may be passed to carry into effect such purposes and to authorize for such purposes the borrowing of money by, and the issuance of bonds or other obligations of, the state, or its political subdivisions, taxing districts, or public authorities, its or their agencies or instrumentalities, or corporations not for profit designated by any of them as such agencies or instrumentalities, and to authorize the guarantees and loans and the lending of aid and credit, which laws, bonds, obligations, loans and guarantees, and lending of aid and credit shall not be subject to the requirements, limitations or prohibitions of any other section of Article VIII, or of Article XII, Sections 6 and 11, of the Constitution, provided that moneys raised by taxation shall not be obligated or pledged for the payment of bonds or other obligations issued or guarantees made pursuant to laws enacted under this section.

Except for facilities for pollution control or solid waste disposal, as deter-

mined by law, no guarantees or loans and no lending of aid or credit shall be made under the laws enacted pursuant to this section of the constitution for facilities to be constructed for the purpose of providing electric or gas utility service to the public.

The powers herein granted shall be in addition to and not in derogation of existing powers of the state or its political subdivisions, taxing districts, or public authorities, or their agencies or instrumentalities or corporations not for profit designated by any of them as such agencies or instrumentalities.

Any corporation organized under the laws of Ohio is hereby authorized to lend or contribute moneys to the state or its political subdivisions or agencies or instrumentalities thereof on such terms as may be agreed upon in furtherance of laws enacted pursuant to this section.

(1965, am. 1974)

FINANCING FOR HOUSING PROGRAM.

§14 To create or preserve opportunities for safe and sanitary housing and to improve the economic welfare of the people of the state, it is hereby determined to be in the public interest and a proper public purpose for the state to borrow money and issue bonds and other obligations to make available financing, at reasonable interest rates to consumers substantially reflecting savings in the cost of money to lenders resulting from the implementation of this section, for the acquisition, construction, rehabilitation, remodeling, and improvement of privately owned multiple-unit dwellings used and occupied exclusively by persons sixty-two years

of age and older, and privately owned, owner occupied single family housing by providing loans to, or through the agency of, or originated by, or purchasing loans from, persons regularly engaged in the business of making or brokering residential mortgage loans, all as determined by or pursuant to law. Laws may be passed to carry into effect such purpose and to authorize for such purpose the borrowing of money by, and the issuance of bonds or other obligations of the state and to authorize the making of such loans, which laws, bonds, obligations, and loans shall not be subject to the requirements, limitations, or prohibitions of any other section of Article VIII, or Sections 6 and 11 of Article XII, Ohio Constitution, provided that moneys raised by taxation shall not be obligated or pledged for the payment of bonds or other obligations issued pursuant to laws enacted under this section.

The powers granted in this section shall be in addition to and not in derogation of existing powers of the state.

Any corporation organized under the laws of this state may lend or contribute moneys to the state on such terms as may be agreed upon in furtherance of laws enacted pursuant to this section.

(1982)

STATE ASSISTANCE TO DEVELOPMENT OF COAL TECHNOLOGY.

§15 Laws may be passed authorizing the state to borrow money and to issue bonds and other obligations for the purpose of making grants and making or guaranteeing loans for research and development of coal technology that will encourage the use of Ohio coal, to

any individual, association, or corporation doing business in this state, or to any educational or scientific institution located in this state, notwithstanding the requirements, limitation, or prohibitions of any other section of Article VIII or of section 6 and 11 of Article XII of the constitution. The aggregate principal amount of the money borrowed and bonds and other obligations issued by the state pursuant to laws passed under this section shall not exceed one hundred million dollars outstanding at any time. The full faith and credit of the state may be pledged for the payment of bonds or other obligations issued or guarantees made pursuant to laws passed under this section.

Laws passed pursuant to this section also may provide for the state to share in any royalties, profits, or other financial gain resulting from the research and development.

(1985)

STATE AND POLITICAL SUBDIVISIONS TO PROVIDE HOUSING FOR INDIVIDUALS.

§16 To enhance the availability of adequate housing in the state and to improve the economic and general well-being of the people of the state, it is determined to be in the public interest and a proper public purpose for the state or its political subdivisions, directly or through a public authority, agency, or instrumentality, to provide, or assist in providing, by grants, loans, subsidies to loans, loans to lenders, purchases of loans, guarantees of loans, or otherwise as determined by the General Assembly, housing, including shelters to provide temporary housing in the state for individuals and families by

the acquisition, financing, construction, leasing, rehabilitation, remodeling, improvement, or equipping of publicly or privately owned housing, including the acquisition of real property and interests in real property. Laws, including charters, ordinances, and resolutions, may be passed to carry into effect those purposes, including but not limited to the authorization of the making of grants, loans, subsidies to loans, loans to lenders, purchase of loans, and guarantees of loans by the state or its political subdivisions, directly or through a public authority, agency, or instrumentality, which laws, charters, ordinances, resolutions, grants, loans subsidies to loans, loans to lenders, purchase of loans, guarantees of loans, and any other actions authorized by the General Assembly shall not be subject to the requirements, limitations, or prohibitions of any other section of Article VIII, or sections 6 and 11 of Article XII, Ohio Constitution.

The General Assembly also may authorize the issuance by the state, directly or through its public authorities, agencies, or instrumentalities, of obligations to provide moneys for the provision of or assistance in the provision of housing, including shelters to provide temporary housing, in the state for individuals and families, which obligations are not supported by the full faith and credit of the state, and shall not be deemed to be debts or bonded indebtedness of the state under other provisions of this Constitution. Such obligations may be secured by a pledge under law, without necessity for further appropriation, of all or such portion as the General Assembly authorizes of revenues or receipts of the state or its public authori-

ties, agencies, or instrumentalities, and this provision may be implemented by law to better provide therefor.

The powers granted under this section are independent of, in addition to, and not in derogation of other powers under laws, charters, ordinances, resolutions, or this Constitution including the powers granted under section 14 of Article VIII and Articles X and XVIII, and the provision of any capital improvements under section 2i of Article VIII, Ohio Constitution. The powers granted under this section do not impair any law, charter, ordinance, or resolution enacted prior to the effective date of this section or any obligations issued under such law charter, ordinance, or resolution. The powers granted under this section are subject to the power of the General Assembly to regulate taxation and debt of political subdivisions, including the regulation of municipal taxation and debt pursuant to section 6 of Article XIII and section 13 Article XVIII, Ohio Constitution.

The powers granted to political subdivisions under this section shall be operative on and after September 1, 1991, or on an earlier date that an act of the General Assembly declares such powers shall be operative.

(1990)

LIMITATIONS ON OBLIGATIONS STATE MAY ISSUE.

§17 (A) Direct obligations of the state may not be issued under this article if the amount required to be applied or set aside in any future fiscal year for payment of debt service on direct obligations of the state to be outstanding in accordance with their terms during such

future fiscal year would exceed five per cent of the total estimated revenues of the state for the General Revenue Fund and from net state lottery proceeds during the fiscal year in which the particular obligations are to be issued. As used in this division, "debt service" includes the debt service on the bonds to be issued under this article that are direct obligations of the state plus, if the obligations to be issued are bond anticipation notes, the debt service on the bonds anticipated, plus the debt service on all other outstanding bonds that are direct obligations of the state, to the extent that debt service on all those bonds and bonds anticipated is to be paid from the General Revenue Fund or net state lottery proceeds.

(B) The limitations of division (A) of this section shall not apply to a particular issue or amount of obligations if the limitations are waived as to that particular issue or amount by the affirmative vote of at least three-fifths of the members of each house of the General Assembly, or to obligations issued to retire bond anticipation notes that were issued when the requirements of division (A) of this section were originally met as estimated for the bonds anticipated.

(C) For purposes of division (A) of this section, debt contracted by the state pursuant to Section 2 of Article VIII of the Ohio Constitution to repel invasion, suppress insurrection, or to defend the state in war, shall not be included in the calculation of total debt service.

(D) For purposes of division (A) of this section, the General Assembly shall provide by law for computing the amounts required for payment of debt

service, and may provide for estimating payments of debt service on bonds anticipated by notes, for including payments of debt service on obligations issued to refund or retire prior obligations in lieu of such payments on the prior refunded or retired obligations, and for the method of computing payments of debt service on any obligations required to be retired or for which sinking fund deposits are required prior to stated maturity. The Governor or the Governor's designee for such purpose shall determine and certify the fiscal year amounts required to be applied or set aside for payment of debt service, the obligations to which that debt service relates, the total estimated revenues of the state for the state General Revenue Fund and from net state lottery proceeds during the particular fiscal year, other financial data necessary for the purposes of computations under division (A) of this section, and the permitted latest maturity of obligations. That certification shall be conclusive for the purposes of the validity of any obligations issued under this article.

(E) As used in this section:

- (1) "Fiscal year" means the state fiscal year.
- (2) "Debt service" means principal and interest and other accreted amounts payable on the obligations referred to.
- (3) "Direct obligations of the state" means obligations issued by the state on which the state of Ohio is the primary or only direct obligor.

(1999)

ARTICLE IX: MILITIA

WHO SHALL PERFORM MILITARY DUTY.

§1 All citizens, residents of this state, being seventeen years of age, and under the age of sixty-seven years, shall be subject to enrollment in the militia and the performance of military duty, in such manner, not incompatible with the Constitution and laws of the United States, as may be prescribed by law.

(1851, am. 1953, 1961)

REPEALED. PROVIDED FOR THE ELECTION OF CERTAIN OFFICERS.

§2

(1851, rep. 1953)

APPOINTMENT OF MILITIA OFFICERS.

§3 The governor shall appoint the adjutant general, and such other officers and warrant officers, as may be provided for by law.

(1851, am. 1961)

POWER OF GOVERNOR TO CALL FORTH MILITIA.

§4 The governor shall have power to call forth the militia, to execute the laws of the state, to suppress insurrection, to repel invasion, and to act in the event of a disaster within the state.

(1851, am. 1961)

PUBLIC ARMS; ARSENALS.

§5 The General Assembly shall provide, by law, for the protection and safe keeping of the public arms.

(1851)

ARTICLE X: COUNTY AND TOWNSHIP ORGANIZATIONS

COUNTY CHARTERS; APPROVAL BY VOTERS.

ORGANIZATION AND GOVERNMENT OF COUNTIES; COUNTY HOME RULE; SUBMISSION.

§1 The General Assembly shall provide by general law for the organization and government of counties, and may provide by general law alternative forms of county government. No alternative form shall become operative in any county until submitted to the electors thereof and approved by a majority of those voting thereon under regulations provided by law. Municipalities and townships shall have authority, with the consent of the county, to transfer to the county any of their powers or to revoke the transfer of any such power, under regulations provided by general law, but the rights of initiative and referendum shall be secured to the people of such municipalities or townships in respect of every measure making or revoking such transfer and to the people of such county in respect of every measure giving or withdrawing such consent.

(1933)

TOWNSHIP OFFICERS; ELECTION; POWER.

§2 The General Assembly shall provide by general law for the election of such township officers as may be necessary. The trustees of townships shall have such powers of local taxation as may be prescribed by law. No money shall be drawn from any township treasury except by authority of law.

(1933)

§3 The people of any county may frame and adopt or amend a charter as provided in this article but the right of the initiative and referendum is reserved to the people of each county on all matters which such county may now or hereafter be authorized to control by legislative action. Every such charter shall provide the form of government of the county and shall determine which of its officers shall be elected and the manner of their election. It shall provide for the exercise of all powers vested in, and the performance of all duties imposed upon counties and county officers by law. Any such charter may provide for the concurrent or exclusive exercise by the county, in all or in part of its area, of all or of any designated powers vested by the constitution or laws of Ohio in municipalities; it may provide for the organization of the county as a municipal corporation, and in any such case it may provide for the succession by the county to the rights, properties, and obligations of municipalities and townships therein incident to the municipal power so vested in the county, and for the division of the county into districts for purposes of administration or of taxation or of both. Any charter or amendment which alters the form and offices of county government or which provides for the exercise by the county of power vested in municipalities by the constitution or laws of Ohio, or both, shall become effective if approved by a majority of the electors voting thereon. In case of conflict between the exercise of powers granted by such charter and the exercise of powers by municipalities or townships, granted by the constitution or general law, whether or not

such powers are being exercised at the time of the adoption of the charter, the exercise of power by the municipality or township shall prevail. A charter or amendment providing for the exclusive exercise of municipal powers by the county or providing for the succession by the county to any property or obligation of any municipality or township without the consent of the legislative authority of such municipality or township shall become effective only when it shall have been approved by a majority of those voting thereon (1) in the county, (2) in the largest municipality, (3) in the county outside of such municipality, and (4) in counties having a population, based upon the latest preceding federal decennial census of 500,000 or less, in each of a majority of the combined total of municipalities and townships in the county (not included within any township any part of its area lying within a municipality.

(1933, am. 1957)

COUNTY CHARTER COMMISSION; ELECTION, ETC.

§4 The legislative authority (which includes the Board of County Commissioners) of any county may by a two-thirds vote of its members, or upon petition of eight per cent of the electors of the county as certified by the election authorities of the county shall forthwith, by resolution submit to the electors of the county the question, ‘Shall a county charter commission be chosen?’ The question shall be voted upon at the next general election, occurring not sooner than ninety-five days after certification of the resolution to the election authorities. The ballot containing the question shall bear no party designation. Pro-

vision shall be made thereon for the election to such commission from the county at large of fifteen electors if a majority of the electors voting on the question have voted in the affirmative.

Candidates for such commission shall be nominated by petition of one per cent of the electors of the county.

The petition shall be filed with the election authorities no less than seventy-five days prior to such election. Candidates shall be declared elected in the order of the number of votes received, beginning with the candidate receiving the largest number; but not more than seven candidates residing in the same city or village may be elected. The holding of a public office does not preclude any person from seeking or holding membership on a county charter commission nor does membership on a county charter commission preclude any such member from seeking or holding other public office, but not more than four officeholders may be elected to a county charter commission at the same time. The legislative authority shall appropriate sufficient sums to enable the charter commission to perform its duties and to pay all reasonable expenses thereof.

The commission shall frame a charter for the county or amendments to the existing charter, and shall, by vote of a majority of the authorized number of members of the commission, submit the same to the electors of the county, to be voted upon at the next general election next following the election of the commission. The commission shall certify the proposed charter or amendments to the election authorities not later than seventy-five days prior to such election. Amendments to a county charter

or the question of the repeal thereof may also be submitted to the electors of the county in the manner provided in this section for the submission of the question whether a charter commission shall be chosen, to be voted upon at the first general election occurring not sooner than sixty days after their submission. The legislative authority or charter commission submitting any charter or amendment shall, not later than thirty days prior to the election on such charter or amendment, mail or otherwise distribute a copy thereof to each of the electors of the county as far as may be reasonably possible, except that, as provided by law, notice of proposed amendments may be given by newspaper advertising. Except as provided in Section 3 of this Article, every charter or amendment shall become effective if it has been approved by the majority of the electors voting thereon. It shall take effect on the thirtieth day after such approval unless another date be fixed therein. When more than one amendment, which shall relate to only one subject but may affect or include more than one section or part of a charter, is submitted at the same time, they shall be so submitted as to enable the electors to vote on each separately. In case more than one charter is submitted at the same time or in case of conflict between the provisions of two or more amendments submitted at the same time, that charter or provision shall prevail which received the highest affirmative vote, not less than a majority. If a charter or amendment submitted by a charter commission is not approved by the electors of the county, the charter commission may resubmit the same one time, in its original form or as revised by the charter commission, to the

electors of the county at the next succeeding general election or at any other election held throughout the county prior thereto, in the manner provided for the original submission thereof.

The legislative authority of any county, upon petition of ten per cent of the electors of the county, shall forthwith, by resolution, submit to the electors of the county, in the manner provided in this section for the submission of the question whether a charter commission shall be chosen, the question of the adoption of a charter in the form attached to such petition.

Laws may be passed to provide for the organization and procedures of county charter commissions, including the filling of any vacancy which may occur, and otherwise to facilitate the operation of this section. The basis upon which the required number of petitioners in any case provided for in this section shall be determined, shall be the total number of votes cast in the county for the office of governor at the last preceding general election therefor.

The foregoing provisions of this section shall be self-executing except as herein otherwise provided.

(1933, am. 1978)

REPEALED. COUNTY AND TOWNSHIP TREASURIES.

§5

(1851, rep. 1933)

REPEALED. WHAT OFFICERS MAY BE REMOVED.

§6

(1851, rep. 1933)

REPEALED. LOCAL TAXATION.

§7

(1851, rep. 1933)

(B)(1) Unless otherwise specified in this article, a simple majority of the commission members shall be required for any action by the commission.

ARTICLE XI: APPORTIONMENT

**PERSONS RESPONSIBLE FOR
APPORTIONMENT OF STATE FOR MEMBERS
OF GENERAL ASSEMBLY.**

§1 (A) The Ohio redistricting commission shall be responsible for the redistricting of this state for the general assembly. The commission shall consist of the following seven members:

- (1) The governor;
- (2) The auditor of state;
- (3) The secretary of state;
- (4) One person appointed by the speaker of the house of representatives;
- (5) One person appointed by the legislative leader of the largest political party in the house of representatives of which the speaker of the house of representatives is not a member;
- (6) One person appointed by the president of the senate; and
- (7) One person appointed by the legislative leader of the largest political party in the senate of which the president of the senate is not a member.

The legislative leaders in the senate and the house of representatives of each of the two largest political parties represented in the general assembly, acting jointly by political party, shall appoint a member of the commission to serve as a co-chairperson of the commission.

(2)(a) Except as otherwise provided in division (B)(2)(b) of this section, a majority vote of the members of the commission, including at least one member of the commission who is a member of each of the two largest political parties represented in the general assembly, shall be required to do any of the following:

- (i) Adopt rules of the commission;
- (ii) Hire staff for the commission;
- (iii) Expend funds.

(b) If the commission is unable to agree, by the vote required under division (B)(2)(a) of this section, on the manner in which funds should be expended, each co-chairperson of the commission shall have the authority to expend one-half of the funds that have been appropriated to the commission.

(3) The affirmative vote of four members of the commission, including at least two members of the commission who represent each of the two largest political parties represented in the general assembly shall be required to adopt any general assembly district plan. For the purpose of this division, a member of the commission shall be considered to represent a political party if the member was appointed to the commission by a member of that political party or if, in the case of the governor, the auditor of state, or the secretary of state, the member is a member of that political party.

(C) At the first meeting of the commission, which the governor shall convene only in a year ending in the numeral one, except as provided in Sections 8 and 9 of this article, the commission shall set a schedule for the adoption of procedural rules for the operation of the commission.

The commission shall release to the public a proposed general assembly district plan for the boundaries for each of the ninety-nine house of representatives districts and the thirty-three senate districts. The commission shall draft the proposed plan in the manner prescribed in this article. Before adopting, but after introducing, a proposed plan, the commission shall conduct a minimum of three public hearings across the state to present the proposed plan and shall seek public input regarding the proposed plan. All meetings of the commission shall be open to the public. Meetings shall be broadcast by electronic means of transmission using a medium readily accessible by the general public.

The commission shall adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one. After the commission adopts a final plan, the commission shall promptly file the plan with the secretary of state. Upon filing with the secretary of state, the plan shall become effective.

Four weeks after the adoption of a general assembly district plan, the commission shall be automatically dissolved.

(D) The general assembly shall be responsible for making the appropriations it determines necessary in order for the

commission to perform its duties under this article.

(1967, am. 2015)

RATIO OF REPRESENTATION IN HOUSE AND SENATE.

§2 Each house of representatives district shall be entitled to a single representative in each general assembly. Each senate district shall be entitled to a single senator in each general assembly.

(1967, am. 2015)

POPULATION OF EACH HOUSE OF REPRESENTATIVES DISTRICT.

§3 (A) The whole population of the state, as determined by the federal decennial census or, if such is unavailable, such other basis as the general assembly may direct, shall be divided by the number “ninety-nine” and by the number “thirty-three” and the quotients shall be the ratio of representation in the house of representatives and in the senate, respectively, for ten years next succeeding such redistricting.

(B) A general assembly district plan shall comply with all of the requirements of division (B) of this section.

(1) The population of each house of representatives district shall be substantially equal to the ratio of representation in the house of representatives, and the population of each senate district shall be substantially equal to the ratio of representation in the senate, as provided in division (A) of this section. In no event shall any district contain a population of less than ninety-five per cent nor more than one hundred five per cent of the applicable ratio of representation.

(2) Any general assembly district plan adopted by the commission shall comply with all applicable provisions of the constitutions of Ohio and the United States and of federal law.

(3) Every general assembly district shall be composed of contiguous territory, and the boundary of each district shall be a single nonintersecting continuous line.

(C) House of representatives districts shall be created and numbered in the following order of priority, to the extent that such order is consistent with the foregoing standards:

(1) Proceeding in succession from the largest to the smallest, each county containing population greater than one hundred five per cent of the ratio of representation in the house of representatives shall be divided into as many house of representatives districts as it has whole ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining house of representatives district.

(2) Each county containing population of not less than ninety-five per cent of the ratio of representation in the house of representatives nor more than one hundred five per cent of the ratio shall be designated a representative district.

(3) The remaining territory of the state shall be divided into representative districts by combining the areas of counties, municipal corporations, and townships. Where feasible, no county shall be split more than once.

(D)(1)(a) Except as otherwise provided in divisions (D)(1)(b) and (c) of this

section, a county, municipal corporation, or township is considered to be split if any contiguous portion of its territory is not contained entirely within one district.

(b) If a municipal corporation or township has territory in more than one county, the contiguous portion of that municipal corporation or township that lies in each county shall be considered to be a separate municipal corporation or township for the purposes of this section.

(c) If a municipal corporation or township that is located in a county that contains a municipal corporation or township that has a population of more than one ratio of representation is split for the purpose of complying with division (E)(1)(a) or (b) of this section, each portion of that municipal corporation or township shall be considered to be a separate municipal corporation or township for the purposes of this section.

(2) Representative districts shall be drawn so as to split the smallest possible number of municipal corporations and townships whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(3) Where the requirements of divisions (B), (C), and (D) of this section cannot feasibly be attained by forming a representative district from whole municipal corporations and townships, not more than one municipal corporation or township may be split per representative district.

(E)(1) If it is not possible for the commission to comply with all of the re-

quirements of divisions (B), (C), and (D) of this section in drawing a particular representative district, the commission shall take the first action listed below that makes it possible for the commission to draw that district:

(a) Notwithstanding division (D)(3) of this section, the commission shall create the district by splitting two municipal corporations or townships whose contiguous portions do not contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(b) Notwithstanding division (D)(2) of this section, the commission shall create the district by splitting a municipal corporation or township whose contiguous portions contain a population of more than fifty per cent, but less than one hundred per cent, of one ratio of representation.

(c) Notwithstanding division (C)(2) of this section, the commission shall create the district by splitting, once, a single county that contains a population of not less than ninety-five per cent of the ratio of representation, but not more than one hundred five per cent of the ratio of representation.

(d) Notwithstanding division (C)(1) of this section, the commission shall create the district by including in two districts portions of the territory that remains after a county that contains a population of more than one hundred five per cent of the ratio of representation has been divided into as many house of representatives districts as it has whole ratios of representation.

(2) If the commission takes an action under division (E)(1) of this section, the

commission shall include in the general assembly district plan a statement explaining which action the commission took under that division and the reason the commission took that action.

(3) If the commission complies with divisions (E)(1) and (2) of this section in drawing a district, the commission shall not be considered to have violated division (C)(1), (C)(2), (D)(2), or (D)(3) of this section, as applicable, in drawing that district, for the purpose of an analysis under division (D) of Section 9 of this article.

(1967, am. 2015)

POPULATION OF EACH SENATE DISTRICT.

§4 (A) Senate districts shall be composed of three contiguous house of representatives districts.

(B)(1) A county having at least one whole senate ratio of representation shall have as many senate districts wholly within the boundaries of the county as it has whole senate ratios of representation. Any fraction of the population in excess of a whole ratio shall be a part of only one adjoining senate district.

(2) Counties having less than one senate ratio of representation, but at least one house of representatives ratio of representation, shall be part of only one senate district.

(3) If it is not possible for the commission to draw representative districts that comply with all of the requirements of this article and that make it possible for the commission to comply with all of the requirements of divisions (B)(1) and (2) of this section, the commission

shall draw senate districts so as to commit the fewest possible violations of those divisions. If the commission complies with this division in drawing senate districts, the commission shall not be considered to have violated division (B)(1) or (2) of this section, as applicable, in drawing those districts, for the purpose of an analysis under division (D) of Section 9 of this article.

(C) The number of whole ratios of representation for a county shall be determined by dividing the population of the county by the ratio of representation in the senate determined under division (A) of Section 3 of this article.

(D) Senate districts shall be numbered from one through thirty-three and as provided in Section 5 of this article.

(1967, am. 2015)

REPRESENTATION FOR EACH HOUSE AND SENATE DISTRICT.

§5 At any time the boundaries of senate districts are changed in any general assembly district plan made pursuant to any provision of this article, a senator whose term will not expire within two years of the time the plan becomes effective shall represent, for the remainder of the term for which the senator was elected, the senate district that contains the largest portion of the population of the district from which the senator was elected, and the district shall be given the number of the district from which the senator was elected. If more than one senator whose term will not so expire would represent the same district by following the provisions of this section, the plan shall designate which senator shall represent the district and shall designate which district the other

senator or senators shall represent for the balance of their term or terms.

(1967, am. 2015)

**CREATION OF DISTRICT BOUNDARIES;
CHANGE AT END OF DECENNIAL PERIOD.**

§6 The Ohio redistricting commission shall attempt to draw a general assembly district plan that meets all of the following standards:

(A) No general assembly district plan shall be drawn primarily to favor or disfavor a political party.

(B) The statewide proportion of districts whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party shall correspond closely to the statewide preferences of the voters of Ohio.

(C) General assembly districts shall be compact.

Nothing in this section permits the commission to violate the district standards described in Section 2, 3, 4, 5, or 7 of this article.

(1967, am. 2015)

REPEALED. PROVIDED ADDITIONAL SENATORS FOR DISTRICTS WITH A RATIO OF REPRESENTATION GREATER THAN ONE.

§6a

(1956, rep. 1967)

BOUNDARY LINES OF HOUSE OF REPRESENTATIVES DISTRICTS.

§7 Notwithstanding the fact that boundaries of counties, municipal corporations, and townships within a district may be changed, district boundaries

shall be created by using the boundaries of counties, municipal corporations, and townships as they exist at the time of the federal decennial census on which the redistricting is based, or, if unavailable, on such other basis as the general assembly has directed.

(1967, am. 2015)

DETERMINATION OF NUMBER OF HOUSE OF REPRESENTATIVES DISTRICTS WITHIN EACH COUNTY.

§8 (A)(1) If the Ohio redistricting commission fails to adopt a final general assembly district plan not later than the first day of September of a year ending in the numeral one, in accordance with Section 1 of this article, the commission shall introduce a proposed general assembly district plan by a simple majority vote of the commission.

(2) After introducing a proposed general assembly district plan under division (A)(1) of this section, the commission shall hold a public hearing concerning the proposed plan, at which the public may offer testimony and at which the commission may adopt amendments to the proposed plan. Members of the commission should attend the hearing; however, only a quorum of the members of the commission is required to conduct the hearing.

(3) After the hearing described in division (A)(2) of this section is held, and not later than the fifteenth day of September of a year ending in the numeral one, the commission shall adopt a final general assembly district plan, either by the vote required to adopt a plan under division (B)(3) of Section 1 of this article or by a simple majority vote of the commission.

(B) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until the next year ending in the numeral one, except as provided in Section 9 of this article.

(C)(1)(a) Except as otherwise provided in division (C)(1)(b) of this section, if the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B)(3) of Section 1 of this article, the plan shall take effect upon filing with the secretary of state and shall remain effective until two general elections for the house of representatives have occurred under the plan.

(b) If the commission adopts a final general assembly district plan in accordance with division (A)(3) of this section by a simple majority vote of the commission, and not by the vote required to adopt a plan under division (B) of Section 1 of this article, and that plan is adopted to replace a plan that ceased to be effective under division (C)(1)(a) of this section before a year ending in the numeral one, the plan adopted under this division shall take effect upon filing with the secretary of state and shall remain effective until a year ending in the numeral one, except as provided in Section 9 of this article.

(2) A final general assembly district plan adopted under division (C)(1)(a) or (b) of this section shall include a statement

explaining what the commission determined to be the statewide preferences of the voters of Ohio and the manner in which the statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party corresponds closely to those preferences, as described in division (B) of Section 6 of this article. At the time the plan is adopted, a member of the commission who does not vote in favor of the plan may submit a declaration of the member's opinion concerning the statement included with the plan.

(D) After a general assembly district plan adopted under division (C)(1)(a) of this section ceases to be effective, and not earlier than the first day of July of the year following the year in which the plan ceased to be effective, the commission shall be reconstituted as provided in Section 1 of this article, convene, and adopt a new general assembly district plan in accordance with this article, to be used until the next time for redistricting under this article. The commission shall draw the new general assembly district plan using the same population and county, municipal corporation, and township boundary data as were used to draw the previous plan adopted under division (C) of this section.

(1967, am. 2015)

**WHEN POPULATION OF COUNTY IS
FRACTION OF RATIO OF REPRESENTATION.**

§9 (A) The supreme court of Ohio shall have exclusive, original jurisdiction in all cases arising under this article.

(B) In the event that any section of this constitution relating to redistricting, any general assembly district plan made by the Ohio redistricting commission, or any district is determined to be invalid by an unappealed final order of a court of competent jurisdiction then, notwithstanding any other provisions of this constitution, the commission shall be reconstituted as provided in Section 1 of this article, convene, and ascertain and determine a general assembly district plan in conformity with such provisions of this constitution as are then valid, including establishing terms of office and election of members of the general assembly from districts designated in the plan, to be used until the next time for redistricting under this article in conformity with such provisions of this constitution as are then valid.

(C) Notwithstanding any provision of this constitution or any law regarding the residence of senators and representatives, a general assembly district plan made pursuant to this section shall allow thirty days for persons to change residence in order to be eligible for election.

(D)(1) No court shall order, in any circumstance, the implementation or enforcement of any general assembly district plan that has not been approved by the commission in the manner prescribed by this article.

(2) No court shall order the commission to adopt a particular general assembly district plan or to draw a particular district.

(3) If the supreme court of Ohio determines that a general assembly district plan adopted by the commission does

not comply with the requirements of Section 2, 3, 4, 5, or 7 of this article, the available remedies shall be as follows:

not correspond closely to the statewide preferences of the voters of Ohio. (1967, am. 2015)

(a) If the court finds that the plan contains one or more isolated violations of those requirements, the court shall order the commission to amend the plan to correct the violation.

SEVERABILITY PROVISION.

§10 The various provisions of this article are intended to be severable, and the invalidity of one or more of such provisions shall not affect the validity of the remaining provisions. (1967, am. 2015)

(b) If the court finds that it is necessary to amend not fewer than six house of representatives districts to correct violations of those requirements, to amend not fewer than two senate districts to correct violations of those requirements, or both, the court shall declare the plan invalid and shall order the commission to adopt a new general assembly district plan in accordance with this article.

REPEALED. SENATE DISTRICTS.

§11 (1967, rep. 2015)

(c) If, in considering a plan adopted under division (C) of Section 8 of this article, the court determines that both of the following are true, the court shall order the commission to adopt a new general assembly district plan in accordance with this article:

REPEALED. CHANGE OF DISTRICT BOUNDARIES OF SENATE DISTRICTS.

§12 (1967, rep. 2015)

(i) The plan significantly violates those requirements in a manner that materially affects the ability of the plan to contain districts whose voters favor political parties in an overall proportion that corresponds closely to the statewide political party preferences of the voters of Ohio, as described in division (B) of Section 6 of this article.

REPEALED. JURISDICTION OF SUPREME COURT, EFFECT OF DETERMINATION OF UNCONSTITUTIONALITY; APPORTIONMENT.

§13 (1967, rep. 2015)

(ii) The statewide proportion of districts in the plan whose voters, based on statewide state and federal partisan general election results during the last ten years, favor each political party does

REPEALED. DISTRICT BOUNDARIES UNTIL JANUARY 1, 1973.

§14 (1967, rep. 2015)

REPEALED. SEVERABILITY PROVISION.

§15 (1967, rep. 2015)

ARTICLE XII: FINANCE AND TAXATION

POLL TAXES PROHIBITED.

§1 No poll tax shall ever be levied in this state, or service required, which may be commuted in money or other thing of value.

(1851, am. 1912)

LIMITATION ON TAX RATE; EXEMPTION.

§2 No property, taxed according to value, shall be so taxed in excess of one per cent of its true value in money for all state and local purposes, but laws may be passed authorizing additional taxes to be levied outside of such limitation, either when approved by at least a majority of the electors of the taxing district voting on such proposition, or when provided for by the charter of a municipal corporation. Land and improvements thereon shall be taxed by uniform rule according to value, except that laws may be passed to reduce taxes by providing for a reduction in value of the homestead of permanently and totally disabled residents, residents sixty-five years of age and older, and residents sixty years of age or older who are surviving spouses of deceased residents who were sixty-five years of age or older or permanently and totally disabled and receiving a reduction in the value of their homestead at the time of death, provided the surviving spouse continues to reside in a qualifying homestead, and providing for income and other qualifications to obtain such reduction. Without limiting the general power, subject to the provisions of Article I of this constitution, to determine the subjects and methods of taxa-

tion or exemptions therefrom, general laws may be passed to exempt burying grounds, public school houses, houses used exclusively for public worship, institutions used exclusively for charitable purposes, and public property used exclusively for any public purpose, but all such laws shall be subject to alteration or repeal; and the value of all property so exempted shall, from time to time, be ascertained and published as may be directed by law.

(1851, am. 1906, 1912, 1918, 1929, 1933, 1970, 1974, 1990)

AUTHORITY TO CLASSIFY REAL ESTATE FOR TAXATION; PROCEDURES.

§2a (A) Except as expressly authorized in this section, land and improvements thereon shall, in all other respects, be taxed as provided in Section 36, of Article II and Section 2 of this article

(B) This section does not apply to any of the following:

(1) Taxes levied at whatever rate is required to produce a specified amount of tax money or an amount to pay debt charges;

(2) Taxes levied within the one per cent limitation imposed by Section 2 of this article;

(3) Taxes provided for by the charter of a municipal corporation.

(C) Notwithstanding Section 2 of this article, laws may be passed that provide all of the following:

(1) Land and improvements thereon in each taxing district shall be placed into one of two classes solely for the purpose of separately reducing the taxes

charged against all land and improvements in each of the two classes as provided in division (C)(2) of this section. The classes shall be:

- (a) Residential and agricultural land and improvements;
- (b) All other land and improvements.

(2) With respect to each voted tax authorized to be levied by each taxing district, the amount of taxes imposed by such tax against all land and improvements thereon in each class shall be reduced in order that the amount charged for collection against all land and improvements in that class in the current year, exclusive of land and improvements not taxed by the district in both the preceding year and in the current year and those not taxed in that class in the preceding year, equals the amount charged for collection against such land and improvements in the preceding year.

(D) Laws may be passed to provide that the reductions made under this section in the amounts of taxes charged for the current expenses of cities, townships, school districts, counties, or other taxing districts are subject to the limitation that the sum of the amounts of all taxes charged for current expenses against the land and improvements thereon in each of the two classes of property subject to taxation in cities, townships, school districts, counties, or other types of taxing districts, shall not be less than a uniform per cent of the taxable value of the property in the districts to which the limitation applies. Different but uniform percentage limitations may be established for cities, townships, school

districts, counties, and other types of taxing districts.

(1980)

IMPOSITION OF TAXES.

§3 Laws may be passed providing for:

(A) The taxation of decedents' estates or of the right to receive or succeed to such estates, and the rates of such taxation may be uniform or may be graduated based on the value of the estate, inheritance, or succession. Such tax may also be levied at different rates upon collateral and direct inheritances, and a portion of each estate may be exempt from such taxation as provided by law.

(B) The taxation of incomes, and the rates of such taxation may be either uniform or graduated, and may be applied to such incomes and with such exemptions as may be provided by law.

(C) Excise and franchise taxes and for the imposition of taxes upon the production of coal, oil, gas, and other minerals; except that no excise tax shall be levied or collected upon the sale or purchase of food for human consumption off the premises where sold.

(1976)

REVENUE TO PAY EXPENSES AND RETIRE DEBTS.

§4 The General Assembly shall provide for raising revenue, sufficient to defray the expenses of the state, for each year, and also a sufficient sum to pay principal and interest as they become due on the state debt.

(1851, am. 1976)

LEVYING OF TAXES.

§5 No tax shall be levied, except in pursuance of law; and every law imposing a tax shall state, distinctly, the object of the same, to which only, it shall be applied.

(1851)

USE OF MOTOR VEHICLE LICENSE AND FUEL TAXES RESTRICTED.

§5a No moneys derived from fees, excises, or license taxes relating to registration, operation, or use of vehicles on public highways, or to fuels used for propelling such vehicles, shall be expended for other than costs of administering such laws, statutory refunds and adjustments provided therein, payment of highway obligations, costs for construction, reconstruction, maintenance and repair of public highways and bridges and other statutory highway purposes, expense of state enforcement of traffic laws, and expenditures authorized for hospitalization of indigent persons injured in motor vehicle accidents on the public highways.

(1947)

NO DEBT FOR INTERNAL IMPROVEMENT.

§6 Except as otherwise provided in this constitution the state shall never contract any debt for purposes of internal improvement.

(1851, am. 1912)

REPEALED. REFERRED TO TAXATION OF INHERITANCES.

§7

(1912, rep. 1976)

REPEALED. REFERRED TO TAXATION OF INCOMES.

§8

(1912, am. 1973, rep. 1976)

APPORTIONMENT OF INCOME, ESTATE, AND INHERITANCE TAXES.

§9 Not less than fifty per cent of the income, estate, and inheritance taxes that may be collected by the state shall be returned to the county, school district, city, village, or township in which said income, estate, or inheritance tax originates, or to any of the same, as may be provided by law.

(1912, am. 1930, 1976)

REPEALED. REFERRED TO TAXATION OF FRANCHISES AND PRODUCTION OF MINERALS.

§10

(1912, rep. 1976)

SINKING FUND.

§11 No bonded indebtedness of the state, or any political subdivisions thereof, shall be incurred or renewed unless, in the legislation under which such indebtedness is incurred or renewed, provision is made for levying and collecting annually by taxation an amount sufficient to pay the interest on said bonds, and to provide a sinking fund for their final redemption at maturity.

(1912)

**REPEALED. SPECIFIED THAT NO
EXCISE TAX WOULD BE LEVIED UPON THE
SALE OR PURCHASE OF FOOD FOR HUMAN
CONSUMPTION OFF THE PREMISES WHERE
SOLD.**

§12

(1936, rep. 1976)

WHOLESALE TAXES ON FOODS.

§13 No sales or other excise taxes shall be levied or collected (1) upon any wholesale sale or wholesale purchase of food for human consumption, its ingredients or its packaging, (2) upon any sale or purchase of such items sold to or purchased by a manufacturer, processor, packager, distributor or reseller of food for human consumption, or its ingredients, for use in its trade or business; or (3) in any retail transaction, on any packaging that contains food for human consumption on or off the premises where sold. For purposes of this section, food for human consumption shall include nonalcoholic beverages. This section shall not affect the extent to which the levy or collection of sales or other excise taxes on the retail sale or retail purchase of food for human consumption is permitted or prohibited by Section 3(C) of this Article.

(1994)

ARTICLE XIII: CORPORATIONS

**SPECIAL ACTS CONFERRING CORPORATE
POWERS; PROHIBITED.**

§1 The General Assembly shall pass no special act conferring corporate powers.

(1851)

CORPORATIONS, HOW FORMED.

§2 Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Corporations may be classified and there may be conferred upon proper boards, commissions or officers, such supervisory and regulatory powers over their organization, business and issue and sale of stocks and securities and over the business and sale of the stocks and securities of foreign corporations and joint stock companies in this state, as may be prescribed by law. Laws may be passed regulating the sale and conveyance of other personal property, whether owned by a corporation, joint stock company or individual.

(1851, am. 1912)

**LIABILITY OF STOCKHOLDERS FOR
UNPAID SUBSCRIPTIONS; DUES FROM
CORPORATIONS; HOW SECURED;
INSPECTION OF PRIVATE BANKS.**

§3 Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her. No corporation not organized under the laws of this state, or of the United States, or person, partnership or association shall use the word "bank," "banker" or "banking," or words of similar meaning in any foreign language, as a designation or name under which business may be conducted in this state unless such corporation, person, partnership or association shall submit to inspection, examination and regulation as may hereafter be provided by the laws of this state.

(1851, am. 1903, 1912, 1937)

CORPORATE PROPERTY SUBJECT TO TAXATION.

§4 The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

(1851)

ARTICLE XIV: OHIO LIVESTOCK CARE STANDARDS BOARD

CORPORATE POWER OF EMINENT DOMAIN TO OBTAIN RIGHTS OF WAY; PROCEDURE; JURY TRIAL.

§5 No right of way shall be appropriated to the use of any corporation; until full compensation therefor be first made in money or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

(1851)

ORGANIZATION OF CITIES, ETC.

§6 The General Assembly shall provide for the organization of cities, and incorporated villages; by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power.

(1851)

ACTS AUTHORIZING ASSOCIATIONS WITH BANKING POWERS; REFERENDUM.

§7 No act of the General Assembly, authorizing associations with banking powers, shall take effect until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority

of all the electors, voting at such election.

(1851)

§1 (A) There is hereby created the Ohio Livestock Care Standards Board for the purpose of establishing standards governing the care and well-being of livestock and poultry in this state. In carrying out its purpose, the Board shall endeavor to maintain food safety, encourage locally grown and raised food, and protect Ohio farms and families. The Board shall be comprised of the following thirteen members:

(1) The director of the state department that regulates agriculture who shall be the chairperson of the Board;

(2) Ten members appointed by the Governor with the advice and consent of the Senate. The ten members appointed by the Governor shall be residents of this state and shall include the following:

(a) One member representing family farms;

(b) One member who is knowledgeable about food safety in this state;

(c) Two members representing statewide organizations that represent farmers;

(d) One member who is a veterinarian who is licensed in this state;

(e) The State Veterinarian in the state department that regulates agriculture;

(f) The dean of the agriculture department of a college or university located in this state;

(g) Two members of the public representing Ohio consumers;

(h) One member representing a county humane society that is organized under state law.

(3) One member appointed by the Speaker of the House of Representatives who shall be a family farmer;

(4) One member appointed by the President of the Senate who shall be a family farmer.

Not more than seven members appointed to the Board at any given time shall be of the same political party.

(B) The Board shall have authority to establish standards governing the care and well-being of livestock and poultry in this state, subject to the authority of the General Assembly. In establishing those standards, the Board shall consider factors that include, but are not limited to, agricultural best management practices for such care and well-being, biosecurity, disease prevention, animal morbidity and mortality data, food safety practices, and the protection of local, affordable food supplies for consumers.

(C) The state department that regulates agriculture shall have the authority to administer and enforce the standards established by the Board.

(D) The General Assembly may enact laws that it deems necessary to carry out the purposes of this section, to facilitate the execution of the duties of the Board and the state department that

regulates agriculture under this section, and to set the terms of office of the Board members and conditions for the Board members' service on the Board.

(E) If any part of this section is held invalid, the remainder of this section shall not be affected by that holding and shall continue in full force and effect.

(2009)

**PRIOR ARTICLE XIV:
JURISPRUDENCE**

REPEALED. PROVIDED FOR THE APPOINTMENT OF THREE COMMISSIONERS BY THE GENERAL ASSEMBLY TO REVISE THE PRACTICE, PLEADINGS, FORMS AND PROCEEDINGS OF THE COURTS OF RECORD OF THE STATE AND TO PROVIDE A UNIFORM MODE OF PROCEEDING

§1-3

(1851, rep. 1953)

ARTICLE XV: MISCELLANEOUS

SEAT OF GOVERNMENT.

§1 Columbus shall be the seat of government, until otherwise directed by law.

(1851)

REPEALED. REFERRED TO PRINTING OF LAWS, JOURNALS, BILLS, LEGISLATIVE DOCUMENTS AND PAPERS FOR EACH BRANCH OF THE GENERAL ASSEMBLY.

§2

(1851, am. 1912, rep. 1976)

**RECEIPTS AND EXPENDITURES;
PUBLICATION OF STATE FINANCIAL
STATEMENTS.**

§3 An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom, and on what account, shall, from time to time, be published, as shall be prescribed by law.

(1851)

OFFICERS TO BE QUALIFIED ELECTORS.

§4 No person shall be elected or appointed to any office in this state unless possessed of the qualifications of an elector.

(1851, am. 1913, 1953)

**REPEALED. REFERRED TO THE
INELIGIBILITY OF DUALISTS TO HOLD
OFFICE.**

§5

(1851, rep. 1976)

**LOTTERIES, CHARITABLE BINGO, CASINO
GAMING.**

§6 Except as otherwise provided in this section, lotteries, and the sale of lottery tickets, for any purpose whatever, shall forever be prohibited in this State.

(A) The General Assembly may authorize an agency of the state to conduct lotteries, to sell rights to participate therein, and to award prizes by chance to participants, provided that the entire net proceeds of any such lottery are paid into a fund of the state treasury that shall consist solely of such proceeds and shall be used solely for the support of elementary, secondary, vocational, and special education programs

as determined in appropriations made by the General Assembly.

(B) The General Assembly may authorize and regulate the operation of bingo to be conducted by charitable organizations for charitable purposes.

(C)(1) Casino gaming shall be authorized at four casino facilities (a single casino at a designated location within each of the cities of Cincinnati, Cleveland, and Toledo, and within Franklin County) to create new funding for cities, counties, public school districts, law enforcement, the horse racing industry and job training for Ohio's workforce.

(2) A thirty-three percent tax shall be levied and collected by the state on all gross casino revenue received by each casino operator of these four casino facilities. In addition, casino operators, their operations, their owners, and their property shall be subject to all customary non-discriminatory fees, taxes, and other charges that are applied to, levied against, or otherwise imposed generally upon other Ohio businesses, their gross or net revenues, their operations, their owners, and their property. Except as otherwise provided in section 6(C), no other casino gaming-related state or local fees, taxes, or other charges (however measured, calculated, or otherwise derived) may be, directly or indirectly, applied to, levied against, or otherwise imposed upon gross casino revenue, casino operators, their operations, their owners, or their property.

(3) The proceeds of the tax on gross casino revenue collected by the state shall be distributed as follows:

(a) Fifty-one percent of the tax on gross casino revenue shall be distributed among all eighty-eight counties in proportion to such counties' respective populations at the time of such distribution. If a county's most populated city, as of the 2000 United States census bureau census, had a population greater than 80,000, then fifty percent of that county's distribution will go to said city.

(b) Thirty-four percent of the tax on gross casino revenue shall be distributed among all eighty-eight counties in proportion to such counties' respective public school district student populations at the time of such distribution. Each such distribution received by a county shall be distributed among all public school districts located (in whole or in part) within such county in proportion to each school district's respective student population who are residents of such county at the time of such distribution to the school districts. Each public school district shall determine how its distributions are appropriated, but all distributions shall only be used to support primary and secondary education.

(c) Five percent of the tax on gross casino revenue shall be distributed to the host city where the casino facility that generated such gross casino revenue is located.

(d) Three percent of the tax on gross casino revenue shall be distributed to fund the Ohio casino control commission.

(e) Three percent of the tax on gross casino revenue shall be distributed to an Ohio state racing commission fund to support purses, breeding programs, and

operations at all existing commercial horse racetracks permitted as of January 1, 2009. However, no funding under this division shall be distributed to operations of an Ohio commercial horse racetrack if an owner or operator of the racetrack holds a majority interest in an Ohio casino facility or in an Ohio casino license.

(f) Two percent of the tax on gross casino revenue shall be distributed to a state law enforcement training fund to enhance public safety by providing additional training opportunities to the law enforcement community.

(g) Two percent of the tax on gross casino revenue shall be distributed to a state problem gambling and addictions fund which shall be used for the treatment of problem gambling and substance abuse, and related research.

Tax collection, and distributions to public school districts and local governments, under sections 6(C)(2) and (3), are intended to supplement, not supplant, any funding obligations of the state. Accordingly, all such distributions shall be disregarded for purposes of determining whether funding obligations imposed by other sections of this Constitution are met.

(4) There is hereby created the Ohio casino control commission which shall license and regulate casino operators, management companies retained by such casino operators, key employees of such casino operators and such management companies, gaming-related vendors, and all gaming authorized by section 6(C), to ensure the integrity of casino gaming.

Said commission shall determine all voting issues by majority vote and shall consist of seven members appointed by the governor with the advice and consent of the senate. Each member of the commission must be a resident of Ohio. At least one member of the commission must be experienced in law enforcement and criminal investigation. At least one member of the commission must be a certified public accountant experienced in accounting and auditing. At least one member of the commission must be an attorney admitted to the practice of law in Ohio. At least one member of the commission must be a resident of a county where one of the casino facilities is located. Not more than four members may be affiliated with the same political party. No commission member may have any affiliation with an Ohio casino operator or facility.

Said commission shall require each initial licensed casino operator of each of the four casino facilities to pay an upfront license fee of fifty million dollars (\$50,000,000) per casino facility for the benefit of the state, for a total of two hundred million dollars (\$200,000,000). The upfront license fee shall be used to fund state economic development programs which support regional job training efforts to equip Ohio's workforce with additional skills to grow the economy.

To carry out the tax provisions of section 6(C), and in addition to any other enforcement powers provided under Ohio law, the tax commissioner of the State and the Ohio casino control commission, or any person employed by the tax commissioner or said commission

for that purpose, upon demand, may inspect books, accounts, records, and memoranda of any person subject to such provisions, and may examine under oath any officer, agent, or employee of that person.

(5) Each initial licensed casino operator of each of the four casino facilities shall make an initial investment of at least two hundred fifty million dollars (\$250,000,000) for the development of each casino facility for a total minimum investment of one billion dollars (\$1,000,000,000) statewide. A casino operator: (a) may not hold a majority interest in more than two of the four licenses allocated to the casino facilities at any one time; and (b) may not hold a majority interest in more than two of the four casino facilities at any one time.

(6) Casino gaming authorized in section 6(C) shall be conducted only by licensed casino operators of the four casino facilities or by licensed management companies retained by such casino operators. At the discretion of each licensed casino operator of a casino facility: (a) casino gaming may be conducted twenty-four hours each day; and (b) a maximum of five thousand slot machines may be operated at such casino facility.

(7) Each of the four casino facilities shall be subject to all applicable state laws and local ordinances related to health and building codes, or any related requirements and provisions. Notwithstanding the foregoing, no local zoning, land use laws, subdivision regulations or similar provisions shall prohibit the development or operation of the four casino facilities set forth

herein, provided that no casino facility shall be located in a district zoned exclusively residential as of January 1, 2009.

number 101-21-002 and all lands and air rights lying within and/or above the public rights of way adjacent to such parcel.

(8) Notwithstanding any provision of the Constitution, statutes of Ohio, or a local charter and ordinance, only one casino facility shall be operated in each of the cities of Cleveland, Cincinnati, and Toledo, and in Franklin County.

Being an approximate 2.56 acre area in Cuyahoga County, Ohio, being that parcel identified by the Cuyahoga County Auditor, as of 02/27/09, as tax parcel number 101-21-002 and all lands and air rights lying within and/or above the public rights of way adjacent to such parcel.

(9) For purposes of this section 6(C), the following definitions shall be applied:

Being an approximate 7.91 acre area in Cuyahoga County, Ohio, being that parcel identified by the Cuyahoga County Auditor, as of 02/27/09, as tax parcel number 101-23-050A and all lands and air rights lying within and/or above the public rights of way adjacent to such parcel.

“Casino facility” means all or any part of any one or more of the following properties (together with all improvements situated thereon) in Cleveland, Cincinnati, Toledo, and Franklin County:

(a) Cleveland:

All air rights above the parcel located in Cuyahoga County, Ohio identified by the Cuyahoga County Auditor, as of 02/27/09, as tax parcel number 101-22-003.

Being an approximate 61 acre area in Cuyahoga County, Ohio, as identified by the Cuyahoga County Auditor, as of 02/27/09, as tax parcel numbers 004-28-001, 004-29-004A, 004-29-005, 004-29-008, 004-29-009, 004-29-010, 004-29-012, 004-29-013, 004-29-014, 004-29-020, 004-29-018, 004-29-017, 004-29-016, 004-29-021, 004-29-025, 004-29-027, 004-29-026, 004-28-008, 004-28-004, 004-28-003, 004-28-002, 004-28-010, 004-29-001, 004-29-007 and 004-04-017 and all lands and air rights lying within and/or above the public rights of way adjacent to such parcels.

Being an approximate 1.55 acre area in Cuyahoga County, Ohio, as identified by the Cuyahoga County Auditor, as of 02/27/09, as tax parcel numbers 122-18-010, 122-18-011 and 122-18-012 and all lands and air rights lying within and/or above the public rights of way adjacent to such parcels.

Being an approximate 8.66 acre area in Cuyahoga County, Ohio, being that parcel identified by the Cuyahoga County Auditor, as of 02/27/09, as tax parcel

Being an approximate 1.83 acre area in Cuyahoga County, Ohio, as identified by the Cuyahoga County Auditor, as of 02/27/09, as tax parcel numbers 101-30-002 and 101-30-003 and all lands and air rights lying within and/or above the public rights of way adjacent to such parcels.

Consisting of floors one through four, mezzanine, basement, sub-basement, Parcel No. 36-2, Item III, Parcels First and Second, Item V, Parcel A, and Item VI, Parcel One of the Higbee Building in Cuyahoga County, Ohio, as identified by the Cuyahoga County Auditor, as of 2/29/09, as tax parcel numbers 101-23-002 and 101-23-050F and all lands and air rights lying within and/or above the public rights of way adjacent to such parcels.

(b) Franklin County:

Being an approximate 113.794 acre area in Franklin County, Ohio, as identified by the Franklin County Auditor, as of 01/19/10, as tax parcel number 140-003620-00.

(c) Cincinnati:

Being an approximate 20.4 acre area in Hamilton County, Ohio, being identified by the Hamilton County Auditor, as of 02/27/09, as tax parcel numbers 074-0002-0009-00, 074-0001-0001-00, 074-0001-0002-00, 074-0001-0003-00, 074-0001-0004-00, 074-0001-0006-00, 074-0001-0008-00, 074-0001-0014-00, 074-0001-0016-00, 074-0001-0031-00, 074-0001-0039-00, 074-0001-0041-00, 074-0001-0042-00, 074-0001-0043-00, 074-0002-0001-00, 074-0004-0001-00, 074-0004-0002-00, 074-0004-0003-00 and 074-0005-0003-00.

(d) Toledo:

Being an approximate 44.24 acre area in the City of Toledo, Lucas County, Ohio, as identified by the Lucas County Auditor, as of 03/05/09, as tax parcel numbers 18-76138 and 18-76515.

“Casino gaming” means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania and West Virginia as of January 1, 2009, and shall include slot machine and table game wagering subsequently authorized by, but shall not be limited by subsequent restrictions placed on such wagering in, such states. Notwithstanding the aforementioned definition, “casino gaming” does not include bingo, as authorized in article XV, section 6 of the Ohio Constitution and conducted as of January 1, 2009, or horse racing where the pari-mutuel system of wagering is conducted, as authorized under the laws of Ohio as of January 1, 2009.

“Casino operator” means any person, trust, corporation, partnership, limited partnership, association, limited liability company or other business enterprise that directly holds an ownership or leasehold interest in a casino facility. “Casino operator” does not include an agency of the state, any political subdivision of the state, or any person, trust, corporation, partnership, limited partnership, association, limited liability company or other business enterprise that may have an interest in a casino facility, but who is legally or contractually restricted from conducting casino gaming.

“Gross casino revenue” means the total amount of money exchanged for the purchase of chips, tokens, tickets, electronic cards, or similar objects by casino patrons, less winnings paid to wagerers.

“Majority interest” in a license or in a casino facility (as the case may be) means beneficial ownership of more than fifty percent (50%) of the total fair market value of such license or casino facility (as the case may be). For purposes of the foregoing, whether a majority interest is held in a license or in a casino facility (as the case may be) shall be determined in accordance with the rules for constructive ownership of stock provided in Treas. Reg. §1.409A-3(i)(5)(iii) as in effect on January 1, 2009.

“Slot machines” shall include any mechanical, electrical, or other device or machine which, upon insertion of a coin, token, ticket, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, makes individual prize determinations for individual participants in cash, premiums, merchandise, tokens, or any thing of value, whether the payoff is made automatically from the machine or in any other manner.

“Table game” means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value.

(10) The General Assembly shall pass laws within six months of the effective date of section 6(C) to facilitate the operation of section 6(C).

(11) Each provision of section 6(C) is intended to be independent and severable, and if any provision of section 6(C) is held to be invalid, either on its

face or as applied to any person or circumstance, the remaining provisions of section 6(C), and the application thereof to any person or circumstance other than those to which it is held invalid, shall not be affected thereby. In any case of a conflict between any provision of section 6(C) and any other provision contained in this Constitution, the provisions of section 6(C) shall control.

(12) Notwithstanding the provisions of section 6(C)(11), nothing in this section 6(C) (including, without limitation, the provisions of sections 6(C)(6) and 6(C)(8)) shall restrict or in any way limit lotteries authorized under section 6(A) of this article or bingo authorized under section 6(B) of this article. The provisions of this section 6(C) shall have no effect upon activities authorized under sections 6(A) and/or (6)(B) of this article.

(1851, am. 1973, 1975, 1987, 2009, 2010)

OATH OF OFFICERS.

§7 Every person chosen or appointed to any office under this State, before entering upon the discharge of its duties, shall take an oath or affirmation, to support the Constitution of the United States, and of this State, and also an oath of office.

(1851)

REPEALED. ESTABLISHED A BUREAU OF STATISTICS IN THE SECRETARY OF STATE'S OFFICE.

§8

(1851, rep. 1976)

REPEALED. REFERRED TO THE SALE AND MANUFACTURING OF INTOXICATING LIQUORS.

§9

(1918, rep. 1933)

REPEALED. REFERRED TO THE PASSING OF LAWS PROHIBITING THE SALE OF INTOXICATING LIQUORS.

§9a

(1914, rep. 1918)

CIVIL SERVICE.

§10 Appointments and promotions in the civil service of the state, the several counties, and cities, shall be made according to merit and fitness, to be ascertained, as is practicable, by competitive examinations. Laws shall be passed providing for the enforcement of this provision.

(1912)

MARRIAGE.

§11 Only a union between one man and one woman may be a marriage valid in or recognized by this state and its political subdivisions. This state and its political subdivisions shall not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.

(2004)

ARTICLE XVI: AMENDMENTS

CONSTITUTIONAL AMENDMENT PROPOSED BY JOINT RESOLUTION OF GENERAL ASSEMBLY; PROCEDURE.

§1 Either branch of the General Assembly may propose amendments to this constitution, and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be filed with the secretary of state at least ninety days before the date of the election at which they are to be submitted to the electors, for their approval or rejection. They shall be submitted on a separate ballot without party designation of any kind, at either a special or a general election as the General Assembly may prescribe.

The ballot language for such proposed amendments shall be prescribed by a majority of the Ohio ballot board, consisting of the secretary of state and four other members, who shall be designated in a manner prescribed by law and not more than two of whom shall be members of the same political party. The ballot language shall properly identify the substance of the proposal to be voted upon. The ballot need not contain the full text nor a condensed text of the proposal. The board shall also prepare an explanation of the proposal, which may include its purpose and effects, and shall certify the ballot language and the explanation to the secretary of state not later than seventy-five days before the election. The ballot language and the explanation shall be available for public inspection in the office of the secretary of state.

The Supreme Court shall have exclusive, original jurisdiction in all cases challenging the adoption or submission of a proposed constitutional amendment to the electors. No such case challenging the ballot language, the explanation, or the actions or procedures of the General Assembly in adopting and submitting a constitutional amendment shall be filed later than sixty-four days before the election. The ballot language shall not be held invalid unless it is such as to mislead, deceive, or defraud the voters.

Unless the General Assembly otherwise provides by law for the preparation of arguments for and, if any, against a proposed amendment, the board may prepare such arguments.

Such proposed amendments, the ballot language, the explanation, and the arguments, if any, shall be published once a week for three consecutive weeks preceding such election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The General Assembly shall provide by law for other dissemination of information in order to inform the electors concerning proposed amendments. An election on a proposed constitutional amendment submitted by the General Assembly shall not be enjoined nor invalidated because the explanation, arguments, or other information is faulty in any way. If the majority of the electors voting on the same shall adopt such amendments the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted

as to enable the electors to vote on each amendment, separately.

(1851, am. 1912, 1974)

CONSTITUTIONAL AMENDMENT PROPOSED BY CONVENTION; PROCEDURE.

§2 Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a convention to revise, amend, or change this constitution, they shall recommend to the electors to vote on a separate ballot without party designation of any kind at the next election for members to the General Assembly, for or against a convention; and if a majority of all the electors, voting for and against the calling of a convention, shall have voted for a convention, the General Assembly shall, at their next session, provide, by law, for calling the same. Candidates for members of the constitutional convention shall be nominated by nominating petitions only and shall be voted for upon one independent and separate ballot without any emblem or party designation whatever. The convention shall consist of as many members as the House of Representatives, who shall be chosen as provided by law, and shall meet within three months after their election, for the purpose, aforesaid.

(1851, am. 1912)

QUESTION OF CONSTITUTIONAL CONVENTION TO BE SUBMITTED PERIODICALLY.

§3 At the general election to be held in the year one thousand nine hundred and thirty-two, and in each twentieth year thereafter, the question: "Shall there be a convention to revise, alter, or amend

the constitution[,]” shall be submitted to the electors of the state; and in case a majority of the electors, voting for and against the calling of a convention, shall decide in favor of a convention, the General Assembly, at its next session, shall provide, by law, for the election of delegates, and the assembling of such convention, as is provided in the preceding section; but no amendment of this constitution, agreed upon by any convention assembled in pursuance of this article, shall take effect, until the same shall have been submitted to the electors of the state, and adopted by a majority of those voting thereon.

(1851, am. 1912)

ARTICLE XVII: ELECTIONS

TIME FOR HOLDING ELECTIONS; TERMS OF OFFICE.

§1 Elections for state and county officers shall be held on the first Tuesday after the first Monday in November in even numbered years; and all elections for all other elective officers shall be held on the first Tuesday after the first Monday in November in the odd numbered years.

The term of office of all elective county, township, municipal, and school officers shall be such even number of years not exceeding four as may be prescribed by law or such even number of years as may be provided in municipal or county charters.

The term of office of all judges shall be as provided in Article IV of this constitution or, if not so provided, an even number of years not exceeding six as provided by law.

The General Assembly may extend existing terms of office as to effect the purpose of this section.

(1905, am. 1954, 1976)

FILLING VACANCIES IN CERTAIN ELECTIVE OFFICES.

§2 Any vacancy which may occur in any elective state office created by Article II or III or created by or pursuant to Article IV of this constitution shall be filled only if and as provided in such articles. Any vacancy which may occur in any elective state office not so created, shall be filled by appointment by the governor until the disability is removed, or a successor elected and qualified. Such successor shall be elected for the unexpired term of the vacant office at the first general election in an even numbered year that occurs more than forty days after the vacancy has occurred; provided, that when the unexpired term ends within one year immediately following the date of such general election, an election to fill such unexpired term shall not be held and the appointment shall be for such unexpired term. All vacancies in other elective offices shall be filled for the unexpired term in such manner as may be prescribed by this constitution or by law.

(1905, am. 1947, 1954, 1970, 1976)

REPEALED. REFERRED TO PRESENT INCUMBENTS.

§3

(1905, rep. 1953)

**ARTICLE XVIII: MUNICIPAL
CORPORATIONS**

CLASSIFICATION OF CITIES AND VILLAGES.

§1 Municipal corporations are hereby classified into cities and villages. All such corporations having a population of five thousand or over shall be cities; all others shall be villages. The method of transition from one class to the other shall be regulated by law.

(1912)

***GENERAL LAWS FOR INCORPORATION
AND GOVERNMENT OF MUNICIPALITIES;
ADDITIONAL LAWS; REFERENDUM.***

§2 General laws shall be passed to provide for the incorporation and government of cities and villages; and additional laws may also be passed for the government of municipalities adopting the same; but no such additional law shall become operative in any municipality until it shall have been submitted to the electors thereof, and affirmed by a majority of those voting thereon, under regulations to be established by law.

(1912)

***MUNICIPAL POWERS OF LOCAL SELF-
GOVERNMENT.***

§3 Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.

(1912)

***ACQUISITION OF PUBLIC UTILITY;
CONTRACT FOR SERVICE; CONDEMNATION.***

§4 Any municipality may acquire, construct, own, lease and operate within or without its corporate limits, any public utility the product or service of which is or is to be supplied to the municipality or its inhabitants, and may contract with others for any such product or service. The acquisition of any such public utility may be by condemnation or otherwise, and a municipality may acquire thereby the use of, or full title to, the property and franchise of any company or person supplying to the municipality or its inhabitants the service or product of any such utility.

(1912)

***REFERENDUM ON ACQUIRING OR
OPERATING MUNICIPAL UTILITY.***

§5 Any municipality proceeding to acquire, construct, own, lease or operate a public utility, or to contract with any person or company therefor, shall act by ordinance and no such ordinance shall take effect until thirty days from its passage. If within said thirty days a petition signed by ten per centum of the electors of the municipality shall be filed with the executive authority thereof demanding a referendum on such ordinance it shall not take effect until submitted to the electors and approved by a majority of those voting thereon. The submission of any such question shall be governed by all the provisions of section 8 of this article as to the submission of the question of choosing a charter commission.

(1912)

SALE OF SURPLUS PRODUCT OF MUNICIPAL UTILITY.

§6 Any municipality, owning or operating a public utility for the purpose of supplying the service or product thereof to the municipality or its inhabitants, may also sell and deliver to others any transportation service of such utility and the surplus product of any other utility in an amount not exceeding in either case fifty per cent of the total service or product supplied by such utility within the municipality, provided that such fifty per cent limitation shall not apply to the sale of water or sewage services.

(1912, am. 1959)

HOME RULE; MUNICIPAL CHARTER.

§7 Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government.

(1912)

SUBMISSION AND ADOPTION OF PROPOSED CHARTER; REFERENDUM

§8 The legislative authority of any city or village may by a two-thirds vote of its members, and upon petition of ten per centum of the electors shall forthwith, provide by ordinance for the submission to the electors, of the question, "Shall a commission be chosen to frame a charter." The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise

it shall provide for the submission of the question at a special election to be called and held within the time aforesaid. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the municipality at large of fifteen electors who shall constitute a commission to frame a charter; provided that a majority of the electors voting on such question shall have voted in the affirmative. Any charter so framed shall be submitted to the electors of the municipality at an election to be held at a time fixed by the charter commission and within one year from the date of its election, provision for which shall be made by the legislative authority of the municipality in so far as not prescribed by general law. Not less than thirty days prior to such election the clerk of the municipality shall mail a copy of the proposed charter to each elector whose name appears upon the poll or registration books of the last regular or general election held therein. If such proposed charter is approved by a majority of the electors voting thereon it shall become the charter of such municipality at the time fixed therein.

(1912)

AMENDMENTS TO CHARTER; REFERENDUM.

§9 Amendments to any charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and, upon petitions signed by ten per centum of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority. The submission of proposed amendments to the electors

shall be governed by the requirements of section 8 as to the submission of the question of choosing a charter commission; and copies of proposed amendments may be mailed to the electors as hereinbefore provided for copies of a proposed charter, or pursuant to laws passed by the General Assembly, notice of proposed amendments may be given by newspaper advertising. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter of the municipality. A copy of said charter or any amendment thereto shall be certified to the secretary of state, within thirty days after adoption by a referendum vote.

(1912, am. 1970)

APPROPRIATION IN EXCESS OF PUBLIC USE.

§10 A municipality appropriating or otherwise acquiring property for public use may in furtherance of such public use appropriate or acquire an excess over that actually to be occupied by the improvement, and may sell such excess with such restrictions as shall be appropriate to preserve the improvement made.

Bonds may be issued to supply the funds in whole or in part to pay for the excess property so appropriated or otherwise acquired, but said bonds shall be a lien only against the property so acquired for the improvement and excess, and they shall not be a liability of the municipality nor be included in any limitation of the bonded indebtedness of such municipality prescribed by law.

(1912)

ASSESSMENTS FOR COST OF APPROPRIATING PROPERTY.

§11 Any municipality appropriating private property for a public improvement may provide money therefor in part by assessments upon benefited property not in excess of the special benefits conferred upon such property by the improvements. Said assessments, however, upon all the abutting, adjacent, and other property in the district benefited, shall in no case be levied for more than fifty per centum of the cost of such appropriation.

(1912)

BONDS FOR PUBLIC UTILITIES.

§12 Any municipality which acquires, constructs or extends any public utility and desires to raise money for such purposes may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law; provided that such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such municipality but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure.

(1912)

TAXATION, DEBTS, REPORTS AND ACCOUNTS.

§13 Laws may be passed to limit the power of municipalities to levy taxes

and incur debts for local purposes, and may require reports from municipalities as to their financial condition and transactions, in such form as may be provided by law, and may provide for the examination of the vouchers, books and accounts of all municipal authorities, or of public undertakings conducted by such authorities.

(1912)

MUNICIPAL ELECTIONS.

§14 All elections and submissions of questions provided for in this article shall be conducted by the election authorities prescribed by general law. The percentage of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding general municipal election.

(1912)

**SCHEDULES 1851
CONSTITUTION**

Schedules attached to amendments do not become part of the Constitution proper, but nevertheless have important substantive effects.

OF PRIOR LAWS.

All laws of this state, in force on the first day of September one thousand eight hundred and fifty-one, not inconsistent with this constitution, shall continue in force, until amended, or repealed.

**THE FIRST ELECTION OF MEMBERS OF
GENERAL ASSEMBLY.**

The first election for members of the General Assembly, under this constitu-

tion, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one.

FOR STATE OFFICERS.

The first election for governor, lieutenant governor, auditor, treasurer and secretary of state and attorney general, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one. The persons, holding said offices on the first day of September, one thousand eight hundred and fifty-one, shall continue therein, until the second Monday of January, one thousand eight hundred and fifty-two.

FOR JUDGES, CLERKS, ETC.

The first election for judges of the Supreme Court, courts of common pleas, and probate courts, and clerks of the courts of common pleas, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-one, and the official term of said judges and clerks, so elected, shall commence on the second Monday of February, one thousand eight hundred and fifty two. Judges and clerks of the courts of common pleas and Supreme Court, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office with their present powers and duties, until the second Monday of February, one thousand eight hundred and fifty-two. No suit or proceeding, pending in any of the courts of this state, shall be affected by the adoption of this constitution.

**OFFICERS TO CONTINUE IN OFFICE UNTIL
THE EXPIRATION OF THEIR TERM.**

The register and receiver of the land office, directors of the penitentiary, direc-

tors of the benevolent institutions of the state, the state librarian, and all other officers, not otherwise provided for in this constitution, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office, until their terms expire, respectively, unless the General Assembly shall otherwise provide.

CERTAIN COURTS.

The superior and commercial courts of Cincinnati, and the superior court of Cleveland, shall remain until otherwise provided by law, with their present powers and jurisdiction; and the judges and clerks of said courts, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office, until the expiration of their terms of office, respectively, or, until otherwise provided by law; but neither of said courts shall continue after the second Monday of February, one thousand eight hundred and fifty-three; and no suits shall be commenced in said two first mentioned courts, after the second Monday of February, one thousand eight hundred and fifty-two, nor in said last mentioned court, after the second Monday in August, one thousand eight hundred and fifty-two; and all business in either of said courts, not disposed of within the time limited for their continuance as aforesaid, shall be transferred to the court of common pleas.

COUNTY AND TOWNSHIP OFFICERS.

All county and township officers and justices of the peace, in office on the first day of September, one thousand eight hundred and fifty-one, shall continue in office until their terms expire, respectively.

VACANCIES.

Vacancies in office, occurring after the first day of September, one thousand eight hundred and fifty-one, shall be filled, as is now prescribed by law, and until officers are elected or appointed, and qualified, under this constitution.

WHEN CONSTITUTION SHALL TAKE EFFECT.

This constitution shall take effect, on the first day of September, one thousand eight hundred and fifty-one.

TERM OF OFFICE.

All officers shall continue in office, until their successors shall be chosen and qualified.

TRANSFER OF SUITS, SUPREME COURT.

Suits pending in the Supreme Court in bank, shall be transferred to the Supreme Court provided for in this constitution, and be proceeded in according to law.

TRANSFER OF SUITS, DISTRICT COURTS.

The district courts shall, in their respective counties, be the successors of the present Supreme Court; and all suits, prosecutions, judgments, records, and proceedings, pending and remaining in said Supreme Court, in the several counties of any district, shall be transferred to the respective district courts of such counties, and be proceeded in, as though no change had been made in said Supreme Court.

TRANSFER OF SUITS, COURTS OF COMMON PLEAS.

The said courts of common pleas, shall be the successors of the present courts of common pleas in the several coun-

ties, except as to probate jurisdiction; and all suits, prosecutions, proceedings, records and judgments, pending or being in said last mentioned courts, except as aforesaid, shall be transferred to the courts of common pleas created by this constitution, and proceeded in, as though the same had been therein instituted.

TRANSFER OF SUITS, PROBATE COURTS.

The probate courts provided for in this constitution, as to all matters within the jurisdiction conferred upon said courts, shall be the successors, in the several counties, of the present courts of common pleas; and the records, files and papers, business and proceedings, appertaining to said jurisdiction, shall be transferred to said courts of probate, and be there proceeded in, according to law.

JUDGES AND CLERKS, HOW ELECTED, ETC.

Until otherwise provided by law, elections for judges and clerks shall be held, and the poll books returned, as is provided for governor, and the abstract therefrom, certified to the secretary of state, shall be by him opened, in the presence of the governor, who shall declare the results, and issue commissions to the persons elected.

ELECTION RETURNS, WHERE SENT.

Where two or more counties are joined in a senatorial, representative, or judicial district, the returns of elections shall be sent to the county, having the largest population.

CONSTITUTION SUBMITTED TO THE ELECTORS OF THE STATE.

The foregoing constitution shall be submitted to the electors of the state, at an election to be held on the third Tuesday of June, one thousand eight hundred and fifty-one, in the several election districts of this state. The ballots at such election shall be written or printed as follows: Those in favor of the constitution, "New Constitution, Yes;" those against the constitution, "New Constitution, No." The polls at said election shall be opened between the hours of eight and ten o'clock a.m., and closed at six o'clock p.m.; and the said election shall be conducted, and the returns thereof made and certified, to the secretary of state, as provided by law for annual elections of state and county officers. Within twenty days after such election, the secretary of state shall open the returns thereof, in the presence of the governor; and, if it shall appear that a majority of all the votes, cast at such election, are in favor of the constitution, the governor shall issue his proclamation, stating that fact, and said constitution shall be the constitution of the state of Ohio, and not otherwise.

(The result of this election, excluding the returns of two counties, Defiance and Auglaize, which were not received in the twenty days specified, was as follows:

‘New Constitution, Yes: 125,564
“New Constitution, No: 109,276)

LICENSE TO TRAFFIC IN INTOXICATING LIQUORS.

At the time when the votes of the electors shall be taken for the adoption or

rejection of this constitution, the additional section, in the words following, to wit: "No license to traffic in intoxicating liquors shall hereafter be granted in this state; but the General Assembly may, by law, provide against evils resulting therefrom," shall be separately submitted to the electors for adoption or rejection, in form following, to wit: A separate ballot may be given by every elector and deposited in a separate box. Upon the ballots given for said separate amendment shall be written or printed, or partly written and partly printed, the words: "License to sell intoxicating liquors, Yes;" and upon the ballots given against said amendment, in like manner, the words: "License to sell intoxicating liquors, No." If, at the said election, a majority of all the votes given for and against said amendment, shall contain the words: "License to sell intoxicating liquor, No," then the said amendment shall be a separate section of article fifteen of the constitution.

APPORTIONMENT FOR HOUSE OF REPRESENTATIVES.

The apportionment for the House of Representatives, during the first decennial period under this constitution, shall be as follows:

The counties of Adams, Allen, Athens, Auglaize, Carroll, Champaign, Clark, Clinton, Crawford, Darke, Delaware, Erie, Fayette, Gallia, Geauga, Greene, Hancock, Harrison, Hocking, Holmes, Lake, Lawrence, Logan, Madison, Marion, Meigs, Morrow, Perry, Pickaway, Pike, Preble, Sandusky, Scioto, Shelby and Union, shall, severally, be entitled to one representative, in each session of the decennial period.

The counties of Franklin, Licking, Montgomery and Stark, shall each be entitled to two representatives, in each session of the decennial period

The counties of Ashland, Coshocton, Highland, Huron, Lorain, Mahoning, Medina, Miami, Portage, Seneca, Summit and Warren, shall, severally, be entitled to one representative, in each session; and one additional representative, in the fifth session of the decennial period.

The counties of Ashtabula, Brown, Butler, Clermont, Fairfield, Guernsey, Jefferson, Knox, Monroe, Morgan, Richland, Trumbull, Tuscarawas and Washington shall, severally, be entitled to one representative, in each session; and two additional representatives, one in the third, and one in the fourth session of the decennial period.

The counties of Belmont, Columbiana, Ross and Wayne, shall, severally, be entitled to one representative, in each session, and three additional representatives, one in the first, one in the second, and one in the third session, of the decennial period.

The county of Muskingum shall be entitled to two representatives, in each session; and one additional representative, in the fifth session, of the decennial period.

The county of Cuyahoga shall be entitled to two representatives, in each session; and two additional representatives, one in the third, and one in the fourth session, of the decennial period.

The county of Hamilton shall be entitled to seven representatives, in each

session; and four additional representatives, one in the first, one in the second, one in the third and one in the fourth session of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect, separately, under the fourth section of the eleventh article, shall form districts in manner following, to wit: The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the counties of Paulding, Defiance and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district: each of which districts shall be entitled to one representative, in every session of the decennial period.

Done in convention, at Cincinnati, the tenth day of March, in the year of our Lord, one thousand eight hundred and fifty-one, and of the independence of the United States, the seventy-fifth.

SCHEDULES 1912 CONSTITUTION

I. GENERAL SCHEDULE.

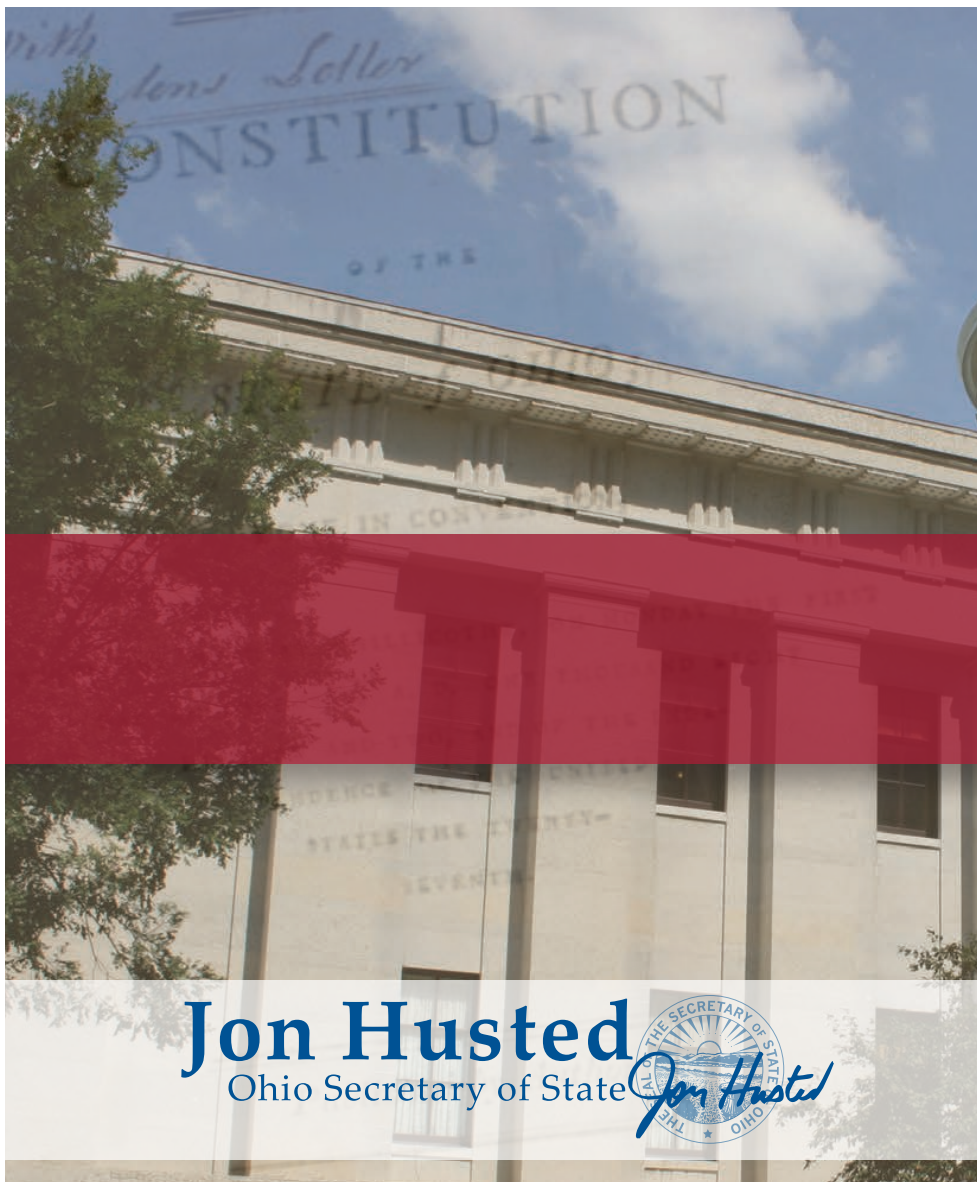
The several amendments passed and submitted by this convention when adopted at the election shall take effect on the first day of January, 1913, except as otherwise specifically provided by the schedule attached to any of said amendments. All laws then in force, not inconsistent therewith shall continue in force until amended or repealed, provided that all cases pending in the courts on

the first day of January, 1913, shall be heard and tried in the same manner and by the same procedure as is now authorized by law. Any provision of the amendments passed and submitted by this convention and adopted by the electors, inconsistent with, or in conflict with, any provision of the present constitution, shall be held to prevail.

METHOD OF SUBMISSION.

The several proposals duly passed by this convention shall be submitted to the electors as separate amendments to the constitution at a special election to be held on the third day of September, 1912. The several amendments shall be designated on the ballot by their proper article and section numbers and also by their approved descriptive titles and shall be printed on said ballot and consecutively numbered in the manner and form hereinafter set forth. The adoption of any amendment by its title shall have the effect of adopting the amendment in full as finally passed by the convention. Said special election shall be held pursuant to all provisions of law applicable thereto including special registration. Ballots shall be marked in accordance with instructions printed thereon. Challengers and witnesses shall be admitted to all polling places under such regulations as may be prescribed by the secretary of state. Within ten days after said election the boards of deputy state supervisors of elections of the several counties shall forward by mail in duplicate sealed certified abstracts of the votes cast on the several amendments, one to the secretary of state and one to the auditor of state at Columbus. Within five days thereafter such abstracts shall be opened and canvassed by the secretary of state and auditor of state in

the presence of the governor who shall forthwith by proclamation, declare the results of said election. Each amendment on which the number of affirmative votes shall exceed the number of negative votes shall become a part of the constitution.



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