

# Proposed Constitutional Amendment

## 1 PROPOSED CONSTITUTIONAL AMENDMENT

### TO AUTHORIZE THE STATE TO ISSUE BONDS TO PROVIDE COMPENSATION TO VETERANS OF THE PERSIAN GULF, AFGHANISTAN, AND IRAQ CONFLICTS

Proposed by Joint Resolution of the General Assembly

#### To adopt Section 2r of Article VIII of the Constitution of the State of Ohio

This proposed amendment would:

1. Authorize the state to issue up to two hundred million dollars (\$200,000,000) of bonds to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts, and to pay for the administration of the Persian Gulf, Afghanistan, and Iraq Conflicts Compensation Bond Retirement Fund and the Persian Gulf, Afghanistan, and Iraq Conflicts Compensation Fund.
2. Authorize the Ohio Department of Veterans Services to provide compensation to persons who have served in active duty in the United States armed forces at any time during the Persian Gulf, Afghanistan, and Iraq conflicts and who were Ohio residents at the start of active duty services and are currently Ohio residents.
3. Allow certain survivors to receive the same compensation as the person who served in the armed forces would have received, if that person dies or is designated as missing in action or held in enemy captivity.
4. Authorize the state to issue bonds only for the time period from the effective date of this amendment until December 31, 2013.

If adopted, this amendment shall take effect immediately.

A "YES" vote means approval of the amendment.

A "NO" vote means disapproval of the amendment.

A majority YES vote is required for the amendment to be adopted.

#### SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES

NO

### Full text of the proposed amendment to the Constitution

(128th General Assembly)  
(Substitute Senate Joint Resolution Number 1)

### JOINT RESOLUTION

Proposing to enact Section 2r of Article VIII of

the Constitution of the State of Ohio to provide compensation to veterans of the Persian Gulf, Afghanistan, and Iraq conflicts.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be

held on November 3, 2009, a proposal to enact Section 2r of Article VIII of the Constitution of Ohio to read as follows:

#### ARTICLE VIII

**Section 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

#### Explanation

#### ISSUE 1

#### PROPOSED CONSTITUTIONAL AMENDMENT

#### TO AUTHORIZE THE STATE TO ISSUE BONDS TO PROVIDE COMPENSATION TO VETERANS OF THE PERSIAN GULF, AFGHANISTAN, AND IRAQ CONFLICTS

Proposed by Joint Resolution of the General Assembly

#### To adopt Section 2r of Article VIII of the Constitution of the State of Ohio

Purpose: This proposed amendment would authorize the state to issue up to two hundred million dollars (\$200,000,000) of bonds to provide compensation to Ohio veterans of the Persian Gulf, Afghanistan, and Iraq conflicts, and to pay for the administration of the Persian Gulf, Afghanistan, and Iraq Conflicts Compensation Bond Retirement Fund and the Persian Gulf, Afghanistan, and Iraq Conflicts Compensation Fund.

Authorize the Ohio Department of Veterans Services to provide compensation to persons who have served in active duty in the United States armed forces at any time during the Persian Gulf, Afghanistan, and Iraq conflicts and who were Ohio residents at the start of active duty services and are currently Ohio residents. The state would provide stipends of \$100 a month up to a total of \$1,000 for Ohio veterans who served in the Persian Gulf, Afghanistan, and Iraq Conflicts. Furthermore, the state would provide stipends of \$50 a month up to a total of \$500 for Ohio veterans who served elsewhere during the conflicts. In addition, the family members of qualified deceased Ohio veterans could apply for a \$5,000 death benefit

Allow certain survivors to receive the same compensation as the person who served in the armed forces would have received, if that person dies or is designated as missing in action or held in enemy captivity.

Authorize the state to issue bonds only for the time period from the effective date of this amendment until December 31, 2013.

If approved, this amendment would take effect immediately

all or part of the funds as may be required to pay the compensation established by, and the expenses of administering, this section. The original 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

Full text continued on next page

# Proposed Constitutional Amendment

## Argument in Favor of Issue 1

### Vote YES on Issue 1

A “YES” vote for Issue 1 would allow the state to issue \$200 million in bonds to provide cash bonuses for Ohio veterans who served in the Persian Gulf War, as well as the thousands of dedicated Ohioans in our nation’s armed forces who have fought and continue to fight to defend our freedoms in Iraq, Afghanistan and other regions of the globe.

Issue 1 should be approved for the following reasons:

- ✓ **ISSUE 1 EXTENDS A MUCH-DESERVED ‘THANK YOU’ TO OHIO’S SERVICEMEN AND WOMEN.** Under Issue 1, Ohioans who fought in the Persian Gulf, Iraq and Afghanistan could receive \$100 per month of service, not to exceed \$1,000, while soldiers who were stationed in other locations during these conflicts could receive \$50 per month of service, not to exceed \$500. These bonuses would not only show our state’s veterans that Ohio appreciates their service, but also help them transition from the military back to civilian life once their tours of duty are complete.
- ✓ **ISSUE 1 HELPS OHIO’S MILITARY FAMILIES.** Issue 1 would offer a \$5,000 death benefit to the families of soldiers killed in the line of duty.
- ✓ **ISSUE 1 CONTINUES A LONGSTANDING OHIO TRADITION OF SUPPORTING OUR VETERANS.** In 1921, Ohio voters approved a constitutional amendment to give bonuses to soldiers returning home from World War I. Over the next several decades, Ohioans also passed similar measures to provide bonuses to veterans of World War II, the Korean War and the Vietnam War. Issue 1 continues this important recognition of our veterans.

Passage of Issue 1 sends an important message that Ohio supports its veterans and their families, and we are grateful for everything they do for the country, this state and our local communities.

### Vote YES on Issue 1.

Submitted by State Senators Timothy Grendell, Tom Patton, Tim Schaffer, Jason Wilson, Sue Morano and State Representatives Peter Ujvagi, Raymond Pryor, Connie Pillich, Terry Boose, and Ross McGregor, the persons appointed by the 128th Ohio General Assembly to prepare the argument for Issue 1.

## Argument Against Issue 1

### Vote No on Issue 1

#### Issue 1 Would Authorize the Government to Spend More in Bond Money.

Economic conditions are poor. The state of Ohio must tighten its belt and spend only what is necessary and only what we can cover with incoming revenues. Issue 1 authorizes the government to take out more debts to provide for compensation to veterans of recent United States military conflicts – Persian Gulf, Afghanistan and Iraq. While this may be a worthwhile and noble endeavor, the State of Ohio should not be going further into debt.

#### Passing Issue 1 Means Taxpayers Will have to Pay Back These Bonds.

Issue 1 authorizes \$200 Million in debt to provide compensation to veterans of recent United States military conflicts. This money would have to be paid back in the future by Ohioans. This money could be retained by taxpayers who have suffered during the economic downturn. This money could be used by taxpayers for their own purposes or used for other plans and directly helping people in need.

### Vote NO on Issue 1.

Prepared by the Ohio Ballot Board in the absence of any submission in opposition, as required by Ohio Revised Code Section 3505.063(B). The Ohio Ballot Board does not take positions for or against issues.

*Issue 1 - full text continued*

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 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 director 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

*Full text continued on next page*

# Proposed Constitutional Amendment

*Issue 1 - full text continued*

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 included 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.

EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal at the general election held November 3, 2009, Section 2r of Article VIII of the Constitution of the State of Ohio shall take effect immediately.

# Proposed Constitutional Amendment

## 2 PROPOSED CONSTITUTIONAL AMENDMENT TO CREATE THE OHIO LIVESTOCK CARE STANDARDS BOARD TO ESTABLISH AND IMPLEMENT STANDARDS OF CARE FOR LIVESTOCK AND POULTRY

Proposed by Joint Resolution of the General Assembly

### To adopt Section 1 of Article XIV of the Constitution of the State of Ohio

This proposed amendment would:

1. Require the state to create the Livestock Care Standards Board to prescribe standards for animal care and well-being that endeavor to maintain food safety, encourage locally grown and raised food, and protect Ohio farms and families.
2. Authorize this bipartisan board of thirteen members to 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 when establishing and implementing standards.
3. Provide that the board shall be comprised of thirteen Ohio residents including representatives of Ohio family farms, farming organizations, food safety experts, veterinarians, consumers, the dean of the agriculture department at an Ohio college or university and a county humane society representative.
4. Authorize the Ohio department that regulates agriculture to administer and enforce the standards established by the board, subject to the authority of the General Assembly.

If adopted, this amendment shall take effect immediately.

A "YES" vote means approval of the amendment.

A "NO" vote means disapproval of the amendment.

A majority YES vote is required for the amendment to be adopted.

### SHALL THE PROPOSED AMENDMENT BE APPROVED?

YES  
 NO

### Full text of the proposed amendment to the Constitution

(128th General Assembly)  
(Amended Substitute Senate Joint Resolution Number 6)

### JOINT RESOLUTION

Proposing to enact Section 1 of Article XIV of the Constitution of the State of Ohio to create the Ohio Livestock Care Standards Board.

Be it resolved by the General Assembly of the State of Ohio, three-fifths of the members elected to each house concurring herein, that there shall be submitted to the electors of the state, in the manner prescribed by law at the general election to be held on November 3, 2009, a proposal to enact Section 1 of Article XIV of the Constitution of the State of Ohio to read as follows:

#### ARTICLE XIV

**Section 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.

Full text continued on next page

### Explanation

#### ISSUE # 2

### PROPOSED CONSTITUTIONAL AMENDMENT

#### TO CREATE THE OHIO LIVESTOCK CARE STANDARDS BOARD

(Proposed by Joint Resolution of the General Assembly of Ohio)  
To adopt Section 1 of Article XIV of the Constitution of the State of Ohio

Purpose: Amended Substitute Senate Joint Resolution Number 6 (SJR 6) would require the state to create the Livestock Care Standards Board to prescribe standards for animal care and well-being that endeavor to maintain food safety, encourage locally grown and raised food, and protect Ohio farms and families.

The Board would establish standards after considering agricultural best management practices, biosecurity, disease prevention, animal morbidity/mortality data, food safety practices, and the protection of local, affordable food supplies.

The bi-partisan Board would be comprised of thirteen members with expertise in farming, animal care, and food safety issues, and chaired by the director of the state department that regulates agriculture.

The Governor will appoint ten members of the Board, as follows:

- One representing family farmers
- One knowledgeable about food safety in Ohio
- Two representing Ohio farming organizations
- One who is a veterinarian
- The State Veterinarian
- The dean of the agriculture department of an Ohio college or university
- One representing a county humane society in Ohio
- Two representing Ohio's consumers

The Leaders of the Ohio House of Representatives and the Ohio Senate will each appoint a family farmer to the Board.

Authority of General Assembly under SJR 6: Standards and rules developed by the Board would be subject to the authority of the General Assembly.

**If approved, this proposed amendment will be effective immediately.**

# Proposed Constitutional Amendment

## Argument In Favor of Issue 2

### Ohioans for Livestock Care Votes Yes on Issue 2

**Voting Yes on Issue 2** creates the Ohio Livestock Care Standards Board to ensure livestock well-being, maintain our food safety, assure our locally grown and raised food supply and protect Ohio farms and families.

The Board will...

- Maintain and promote food safety
- Promote locally grown and raised food
- Protect Ohio consumers and family farmers
- Ensure the care and well-being of livestock
- Be composed of a broad-based group of Ohio experts

**Voting Yes on Issue 2** will keep control of agriculture where it belongs, here in Ohio, under the guidance of Ohio experts including **family farmers, food safety experts, veterinarians, and consumers.**

Agriculture is the cornerstone of Ohio's economy generating billions of dollars and creating thousands of jobs for Ohioans. **Voting YES on Issue 2** is an opportunity for our state to lead the way in regulating safe food production and by promoting locally produced food, voting **YES on Issue 2** keeps jobs here in Ohio.

Yes on Issue 2 has received broad bi-partisan support from both Republican and Democrat state legislators. Governor Ted Strickland, Senate President Bill Harris (R-Ashland), House Speaker Armond Budish (D-Beachwood), and elected officials and organizations across Ohio all urge a **YES Vote on Issue 2.**

Submitted by State Senators Bob Gibbs, Keith Faber, Karen Gillmor, Jason Wilson, Capri Cafaro and State Representatives Allen Sayre, Raymond Pryor, Debbie Phillips, James Zehringer, and Ron Amstutz, the persons appointed by the 128th Ohio General Assembly to prepare the argument for Issue 2.

## Argument Against Issue 2

You should vote **NO** because:

- ❖ Issue 2 puts the economic interests of factory farms ahead of the welfare of farm animals.
- ❖ Issue 2 was passed through the Legislature.
- ❖ Agribusiness supports this amendment to prevent certain animal care reform proposed by national animal rights organizations.
- ❖ Issue 2 expands state government unnecessarily, and expands it at a time when Ohioans cannot afford more government.
- ❖ Making the proposed livestock board a constitutional board would be an inappropriate use of the Ohio Constitution.
- ❖ Amending the Ohio Constitution should be reserved for significant issues that affect the rights of all Ohioans.

Voters should defeat proposed amendments that add clutter to Ohio's Constitution and that address issues better suited for changes to the Ohio Revised Code or the Ohio Administrative Code.

### Vote NO on Issue 2.

Prepared by the Ohio Ballot Board in the absence of any submission in opposition, as required by Ohio Revised Code Section 3505.063(B). The Ohio Ballot Board does not take positions for or against issues.

*Issue 2 - full text continued*

(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.

### EFFECTIVE DATE

If adopted by a majority of the electors voting on this proposal at the general election held November 3, 2009, the enactment of Section 1 of Article XIV of the Constitution of the State of Ohio takes effect immediately.

## Issue 3 - Full Text

### Full text of the proposed amendment to the Constitution

Be it Resolved by the People of the State of Ohio that Article XV, Section 6 of the Ohio Constitution be amended and read as follows:

Section 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, Columbus and Toledo) 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:

*Full text continued on next page*

# Proposed Constitutional Amendment

## 3 PROPOSED CONSTITUTIONAL AMENDMENT

### TO AMEND THE CONSTITUTION TO ALLOW FOR ONE CASINO EACH IN CINCINNATI, CLEVELAND, COLUMBUS, AND TOLEDO AND DISTRIBUTE TO ALL OHIO COUNTIES A TAX ON THE CASINOS

Proposed by Initiative Petition

#### To adopt Section 6 to Article XV of the Constitution of the State of Ohio

This proposed amendment would:

1. Authorize only one casino facility at a specifically designated location within each of the cities of Cincinnati, Cleveland, Columbus, and Toledo.
2. Levy a fixed tax of 33% of gross casino revenue received by each casino operator of the four casino facilities.
3. Distribute the casino tax as follows:
  - 51% among all 88 counties in proportion to such counties' respective populations. Half of each county's distribution will go to its largest city if that city's population is above 80,000.
  - 34% among all public school districts
  - 5% among all host cities
  - 3% to the Ohio casino control commission
  - 3% to the Ohio state racing commission fund
  - 2% to a state law enforcement training fund
  - 2% to a state problem gambling and addictions fund
4. Require each initial licensed casino operator to pay a single \$50,000,000 fee to be used for state job training purposes and make a minimum initial investment of \$250,000,000 in its facility.
5. Permit approved types of casino gaming authorized by Michigan, West Virginia, Indiana, and Pennsylvania as of January 1, 2009 or games subsequently authorized by those states.
6. Authorize the casinos to operate 24 hours a day, seven days a week, at the discretion of the casino operator and require that the casino facilities shall be subject to all state and local laws and provisions related to health and building codes, but that no local zoning, land use laws, subdivision regulations or similar provisions shall prohibit the development or operation of the casinos at the designated sites.
7. Create the Ohio casino control commission which will license and regulate casino operators, management companies retained by such casino operators, key employees, gaming-related vendors, and all gaming authorized by this constitutional provision.

A "YES" vote means you approve of amending the Ohio Constitution to permit one casino each in Cincinnati, Cleveland, Columbus, and Toledo.

A "NO" vote means you disapprove of amending the Ohio Constitution to permit one casino each in Cincinnati, Cleveland, Columbus, and Toledo.

A majority YES vote is required for the amendment to be adopted.

#### SHALL THE PROPOSED AMENDMENT BE APPROVED?

- YES  
 NO

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

Full text continued on next page

Issue 3 - full text continued

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

(a) Fifty-one percent of the tax on gross casino revenue

# Proposed Constitutional Amendment

## Official Argument and Explanation For Issue 3

Vote YES on Issue 3

**34,000 new jobs, billions in economic development and tax revenue, and keeps Ohio's money in Ohio**

### Your YES vote on Issue 3 will:

- Create first-class casinos in Cleveland, Columbus, Cincinnati and Toledo.
- Create **34,000 new Ohio jobs** – jobs that can't be outsourced.
- Produce **\$11 billion in economic impact** over five years.
- Generate **\$651 million a year in tax revenue** to be shared by all 88 counties, the eight largest cities, and every Ohio public school district.
- Provide **\$200 million for state job training** programs that put Ohioans back to work.
- Mandate at least **\$1 billion in new private investment** to be spent on new casino facilities.
- Spark revitalization in the downtown centers of Ohio's four largest cities.
- Have no impact on the conduct of the state lottery, bingo or charitable gaming.

**Keep Money In Ohio:** Over **\$1 billion** leaves Ohio each year when Ohioans travel to neighboring states' facilities. Issue 3 **keeps money and tax revenues in Ohio.**

**Ohioans Have Been Waiting for the Right Proposal:** Independent polls show that Ohioans support expanded gaming. Issue 3 is the best gaming proposal ever put before Ohio voters. Issue 3 is the right way to bring casino gaming to Ohio.

**Key Endorsements:** Working Ohioans understand that Issue 3 will help revive Ohio's ailing economy. That's why Issue 3 is supported by: Ohio AFL-CIO, Ohio State Building Trades Council, Fraternal Order of Police and many local labor organizations.

**Casinos Taxes Higher Than Most All Other Businesses:** Under Issue 3, casino operators are required to pay a 33 percent tax on all gross casino revenues on top of the other taxes businesses usually pay.

*"Issue 3 is the right plan for Ohio at the right time."*

Vote YES on Issue 3

**Submitted by: Charles J. Luken, John T. Campbell, William Curlis, and Matthew Hammond (the Petitioners' Committee)**

## ARGUMENT AND EXPLANATION AGAINST ISSUE #3

**Ohio voters said NO to casino gambling four times before. Issue 3 is another attempt to hijack Ohio's Constitution and create a monopoly for out-of-state owners to build casinos only in Cincinnati, Cleveland, Columbus and Toledo.**

NOTHING in Issue 3 **REQUIRES** casino operators to build **ANYTHING**. No revenues get paid to the state if no one builds in a city.

Casino operators would pay just 33% of their gross profits in taxes, keeping 67% for themselves. **Ohio's casinos would pay a lower percentage of their profits than casinos in most other states.** Ohio's legislature would have no power to force casinos to pay a higher tax rate.

### **THE ENTIRE PLAN IS TILTED IN FAVOR OF WEALTHY CASINO OPERATORS**

- It bans all other casino gaming, including "casino nights" offered by churches, fraternal organizations or other charities.
- It imposes a hidden tax by failing to limit how much taxpayers must spend to upgrade roads, bridges or necessary infrastructure improvements if even one casino is built.
- It pre-empts most local and state laws, including zoning laws.
- It allows casinos to stay open 24-hours a day, seven days a week.
- Because of a loophole written by casino lawyers, casinos pay no taxes on profits from cash wagering.

### **BORDER STATES WOULD DICTATE TO OHIO**

Ohio would be forced to offer games approved in the future by Michigan, West Virginia, Indiana or Pennsylvania. This would happen with no say from Ohioans.

### **OUR CONSTITUTION WOULD BE CLUTTERED UNNECESSARILY**

This would list in the Ohio Constitution the parcels of land on which these casinos are to be located. The land is already owned by casino operators and allies. Local citizens would have no say over where casinos would be built.

**PLEASE vote NO on Issue 3.**

Submitted by Truth PAC, Michael J. Johrendt, Treasurer, 250 E. Broad Street, Suite 200, Columbus, OH 43215

*Issue 3 - full text continued*

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.

(8) Notwithstanding any provision of the Constitution,

*Full text continued on next page*

# Proposed Constitutional Amendment

Issue 3 - full text continued

statutes of Ohio, or a local charter and ordinance, only one casino facility shall be operated in each of the cities of Cleveland, Columbus, Cincinnati and Toledo.

(9) For purposes of this section 6(C), the following definitions shall be applied:

“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, Columbus and Toledo:

(a) Cleveland:

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 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 number 101-21-002 and all lands and air rights lying within and/or above the public rights of way adjacent to such parcel.

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.

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. 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 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 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) Columbus:

Being an approximate 18.312 acre area in the City of Columbus, Franklin County, Ohio, as identified by the Franklin County Auditor, as of 03/05/09, as tax parcel numbers 010-005518-80, 010-020215-80, 010-020215-90, 010-008443-80 and 010-008443-90.

(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.

Office of the  
Secretary of State of Ohio

August 27, 2009

I, Jennifer Brunner, Ohio Secretary of State, certify that the foregoing is the full text of the constitutional amendments proposed by the General Assembly and filed in the office of the Secretary of State pursuant to Article XVI, Section 1, of the Constitution of the State of Ohio, together with the ballot language and explanation certified to me by the Ohio Ballot Board and the arguments submitted to me by the proponents and opponents of the amendments, as prescribed by law.

The foregoing also contains the full text of the constitutional amendment proposed by initiative petition pursuant to Article II, Section 1(a), of the Constitution of the State of Ohio, together with the ballot language certified to me by the Ohio Ballot Board and explanations and/or arguments submitted to me by the proponents and opponents of the amendment as prescribed by law.

IN TESTIMONY WHEREFORE, I have subscribed my name in Columbus, Ohio this 27th day of August, 2009.



Jennifer Brunner  
OHIO SECRETARY OF STATE