

Legislative Branch and Executive Branch Committee

Frederick E. Mills, Chair Paula Brooks, Vice-chair

Part I

February 9, 2017

Ohio Statehouse Room 017

OCMC Legislative Branch and Executive Branch Committee

Chair Mr. Fred Mills

Vice-chair Ms. Paula Brooks

Mr. Herb Asher Sen. Bill Coley Mr. Mike Curtin

Ms. Jo Ann Davidson

Rep. Robert McColley

Gov. Bob Taft

Ms. Petee Talley

Sen. Charleta Tavares

Ms. Kathleen Trafford

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LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

THURSDAY, FEBRUARY 9, 2017 2:30 P.M. OHIO STATEHOUSE ROOM 017

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
 - ➤ Meeting of January 12, 2017

[Draft Minutes – attached]

➤ Meeting of November 2016 – Correction to Minutes

[Corrected Draft Minutes – attached]

- IV. Reports and Recommendations
 - ➤ None scheduled
- V. Presentations and Discussion
 - Constitutional and Statutory Provisions Relating to the "Speech or Debate" Privilege

Shari L. O'Neill Counsel to the Commission [Draft Report and Recommendation Article II, Sections 10 and 12 (Rights and Privileges of Members of the General Assembly) - attached]

[Memorandum by Shari L. O'Neill titled "Legislative Privilege in Statutory Law" - attached]

[Memorandum by Shari L. O'Neill titled "Legislative Privilege in State Constitutions" - attached]

Article II, Sections 15, 16, 26, and 28 (Enacting Laws)

Shari L. O'Neill Counsel to the Commission

[Draft Report and Recommendation - attached]

VI. Next Steps

➤ The committee chair will lead discussion regarding the next steps the committee wishes to take in preparation for upcoming meetings.

[Memorandum by Steven C. Hollon titled "Grouping of Article II Sections by Topic for Review by the Committee," dated April 7, 2016 – attached]

[Planning Worksheet – attached]

- VII. Old Business
- VIII. New Business
- IX. Public Comment
- X. Adjourn



MINUTES OF THE LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

FOR THE MEETING HELD THURSDAY, JANUARY 12, 2017

Call to Order:

Chair Fred Mills called the meeting of the Legislative Branch and Executive Branch Committee to order at 11:13 a.m.

Members Present:

A quorum was present with Chair Mills, Vice-chair Brooks, and committee members Asher, Coley, Curtin, Davidson, McColley, Taft, Tavares, and Trafford in attendance.

Approval of Minutes:

The minutes of the December 15, 2016 meeting of the committee were approved.

Presentations and Discussion:

Steven C. Hollon Executive Director

Chair Mills recognized Steven C. Hollon, executive director, for the purpose of presenting the draft of a proposed report and recommendation relating to Article II, Sections 10 and 12.

Mr. Hollon described that the report and recommendation covers two sections of the legislative article relating to the rights and privileges of members of the General Assembly. Mr. Hollon said Section 10 provides a right to protest to members who are in the minority in opposing legislation, allowing them to publicize their dissent in the legislative journal. Mr. Hollon said the report and recommendation outlines the history of the right of protest, which originated with the British Parliament. Mr. Hollon then described Article II, Section 12, which provides legislators a privilege from arrest under certain circumstances while traveling to and from legislative session. He said the section also provides a privilege for legislators' speech or debate, preventing them from being questioned in another setting for communications made in the course of their

legislative duties. Mr. Hollon said the report also describes discussions on these topics by the Ohio Constitutional Revision Commission in the 1970s, as well as litigation in which the sections were at issue. Mr. Hollon continued that the report outlines a presentation on the privilege of speech or debate that was provided to the committee by Professor Steven F. Huefner, of the Ohio State University Moritz College of Law. Mr. Hollon concluded that the report does not indicate the committee's discussion or recommendation on these sections but will do so once the committee has had a full opportunity to conduct its review.

Chair Mills thanked Mr. Hollon for his presentation and sought comment from the committee. He suggested the committee consider whether the speech or debate privilege should include a prohibition against testimony in a litigation setting, and whether the privilege should be extended to legislative staff.

Senator Bill Coley said the discussion in legislative caucus sessions centers on the best way to move forward on legislation that benefits citizens of the state. He said legislative members officially speak through their vote and their comments during session, not through other types of communications. He said he supports maintaining the privilege.

Sen. Charleta Tavares disagreed, saying if legislators are acting on behalf of the citizens, they should not be fearful of what they say or do on citizens' behalf. She said she would like to study this topic a little more, but would hope legislators do not say anything in any setting they would not want their constituents to know.

Sen. Coley clarified that his point was the privilege prevents another branch of government being able to call to task the legislative branch. He noted that conferences on cases conducted by justices of the Supreme Court of Ohio are privileged, as are some executive branch activities, and that members of the legislative branch deserve the same protection in order to effectively do their work. He said, "We are all elected; you cannot have different branches of government infringing on each other."

Committee member Herb Asher said the committee could benefit from more research regarding whether the provision could be modified to expressly extend the privilege to legislative staff. He said it would be useful to see how the privilege works, specifically, under what circumstances a legislator is performing his or her official duties.

Committee member Jo Ann Davidson said the privilege between legislators and employees of the Legislative Service Commission (LSC) still exists, and that the General Assembly has always protected that information. She said if legislators are to effectively perform their role the privilege is necessary. She gave an example from her experience as speaker of the Ohio House, indicating a change in party control can result in employee changes because it is recognized that the relationship between legislator and staff is confidential. She said it is important to keep in mind that there is precedent for protecting confidentiality of the legislator-staff relationship.

Chair Mills agreed, saying the committee could benefit from additional research on the privilege as it relates to legislative staff. Regarding the right of members to record their protest in the journal, he said this right has been exercised over the years, and he is not aware of complaints about legislators' having the ability to register their dissent.

Commenting regarding a report prepared by the committee of the 1970s Commission that reviewed Section 10, Sen. Tavares said she disagrees with the suggestion that because legislators can publicize their protest in the media they do not need a constitutional protection for their ability to dissent. She said the media is not something legislators can control directly, and publication may be fragmented and not reach everyone. She said, considering the recent rise in the use of social media, she would like the committee to consider some modern thinking on this question.

Chair Mills provided the committee with information about how, as a practical matter, a legislator may place a protest in the journal. He said this occurs when an individual member or when a party, usually the minority, does not like the way something came about on the floor of the chamber. He said, for example, there was a procedural ruling against them, or a procedure that was not followed, and the protest would be handed to the clerk and then included in the journal of that day's business. He said this allows a permanent record of that protest.

Sen. Tavares added some instances of the use of the protest have arisen because audio and video recordings are not permitted in committee. She said legislative minutes "are pretty vague, so we don't really capture any protest that takes place in committee hearings, who testified, or who attended." She added legislative intent is not expressed in the legislation, and no explanation is given why a legislator sponsored a bill. She said the committee record is void of any protest information, other than what is in that person's written testimony. She added that proceedings on the floor are livestreamed, so that information is available to the public.

Committee member Mike Curtin noted that, prior to the mid-1990s, a bill request from a legislative member to LSC was a public record. Describing an incident in which communications between a legislator, an interest group, and LSC came under public scrutiny, he said legislation was introduced at that time to make communications between members and LSC privileged. He said it would be helpful to know how other states address communications between legislators and legislative service agencies, and whether those states provide a privilege by statute or by constitutional provision.

Chair Mills said his sense is that the provision granting a right of protest should be maintained, but the committee may wish to revise it. Sen. Coley expressed that there could be a situation in which a legislator may vote with the majority but may agree with the minority that the procedure for enacting the legislation was improper. He said in that case the legislator cannot speak through his or her vote, so it is important to maintain the right to protest.

Chair Mills thanked Mr. Hollon for his presentation, indicating the committee would be hearing more on Sections 10 and 12 at a future meeting.

William K. Weisenberg Attorney Article II, Section 8 and "Lame Duck" Sessions

Chair Mills then recognized Attorney William K. Weisenberg, who said he was appearing in his personal capacity to provide comments relating to the portion of the legislative session occurring between the November election and the conclusion of the General Assembly, also known as "lame duck."

Mr. Weisenberg briefly described his prior experience as a lobbyist, indicating that, for many years, he was active in promoting legislation and was present in the statehouse during numerous lame duck sessions.

He said, in his view, lame duck bills create uncertainty. He said Article II, Section 8, relating to sessions of the General Assembly, is well-drafted, providing for a year-round legislature. He said Ohio is one of the few states whose legislature is full time. He said Section 8 also provides for a special session to be called by proclamation. Mr. Weisenberg suggested that Section 8 be amended to provide that, in a post-general-election period of time, the General Assembly may be reconvened only by a proclamation from the governor or a proclamation from the leadership of the General Assembly to address a singular specific issue that could not be subject to unrelated or extraneous issues being added on. He said the lame duck session is not in the best interest of the public or the General Assembly.

Mr. Weisenberg continued that the lame duck session results in legislation that violates the onesubject rule in Article II, Section 15(D). For this reason, he said if Section 8 is amended to allow post-election session only by proclamation, the section also should be amended to prevent extraneous issues being tacked on to a bill being considered at that time.

Mr. Asher said he shares some of Mr. Weisenberg's concerns, but asked if there are some ways the legislature could adopt rules and procedures that would resolve the problems.

Mr. Weisenberg said the General Assembly has the authority to establish its own rules, which it does every session. He said the legislature needs that ability to be sure the way it conducts itself stays within Article II.

Mr. Asher said if an issue is under consideration prior to the election, and further hearings and a vote occur in the lame duck, that is not the same as a situation in which the issue suddenly springs up during the lame duck session. He wondered if the rule could be that no items would be addressed unless there was a previous public discussion or hearing.

Mr. Weisenberg said there can be more than one right answer, and that different proposals could be examined. He said there are issues that the General Assembly will consider over the entire biennium, for example the recodification of criminal statutes.

Mr. Asher said he has respect for the General Assembly, but becomes distressed when he sees the General Assembly subject to substantial criticism by significant parties, such as editorial boards and good government groups. He said this issue is something the General Assembly might address to acknowledge this does not seem to be the way a legislature ought to operate. He expressed hope that Mr. Weisenberg's comments would encourage that discussion.

Mr. Weisenberg said "Our society has become cynical about our public institutions; there is an erosion of public trust and confidence in government," noting that his proposal could be a way help restore public confidence in the system. He said what has troubled him personally is a sense that the public does not know or understand what government does, and his proposed change may be a way to take a positive step in Ohio.

Chair Mills thanked Mr. Weisenberg for his comments.

Turning to the issue of Congressional redistricting, Chair Mills said there was nothing new to report, and there have been no meetings on that topic in the last month. He noted a story in the Columbus *Dispatch* indicating the governor wants to deal with Congressional redistricting in the upcoming state budget.

Looking ahead, Chair Mills indicated his intention is for the committee to meet in February, and that the committee would continue discussion of the reports and recommendations as it works through Article II.

Adjournment:

There being no further business to come before the committee, the meeting was adjourned at 12:01 p.m.

Approval:

The minutes of the January 12, 2017 meeting of the Legislative Branch and Executive Branch Committee were approved at the February 9, 2017 meeting of the committee.

Frederick E. Mills, Chair	
Paula Brooks, Vice-chair	

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MINUTES OF THE LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

FOR THE MEETING HELD THURSDAY, NOVEMBER 10, 2016

Call to Order:

Chair Fred Mills called the meeting of the Legislative Branch and Executive Branch Committee to order at 2:17 p.m.

Members Present:

A quorum was not present with Chair Mills and committee members Curtin, Davidson, and Taft in attendance.

Approval of Minutes:

There being no quorum, the minutes of the October 13, 2016 meeting of the committee were not approved.

Presentation:

"Legislative Privilege in State Legislatures" Steven F. Huefner, Assistant Professor of Law Moritz College of Law The Ohio State University

In relation to the committee's review of Article II, Section 12 (Privilege of Members from Arrest, and of Speech), Chair Mills recognized Professor Steven F. Huefner of the Moritz College of Law to present on the topic of legislative privilege in state legislatures. Prof. Huefner said he comes to the question of legislative privilege from having spent five years assisting the United States Senate in efforts to protect and enforce its privileges, including those provided by Article I, Section 6, Clause 1 of the United States Constitution.

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He indicated that, after coming to Ohio in 2000, he wrote an article about state legislative privilege provisions based on his observations of how those provisions were being interpreted in different ways than he was familiar with in the U.S. Senate.¹

Prof. Huefner said, particularly with regard to the *DeRolph* litigation,² there were multiple occasions in which staffers in the General Assembly were asked and in some cases required to provide testimony regarding how the legislature dealt with the school funding issue. He said the existence of the legislative privilege is about protecting the separation of powers, a concept that goes back to when the British Parliament was subservient to the Crown. He said, in the 17th century, drama ensued when King Charles I entered Parliament seeking offenders he wanted to punish for treasonous behavior. Prof. Huefner said Parliament was able to resist that intrusion, but the incident resulted in the English Bill of Rights including the predecessor of the speech or debate clause.

He said the clause is intended to protect members of a legislative body from retaliation by the executive branch for how they perform their official duties. The provision derives from the concept that, while all public representatives are subject to political retaliation, they should not be subject to retaliation by the executive or judicial branch, which could use their power to make the legislative branch subservient.

Prof. Huefner said provisions protecting legislators from retaliation for speech or debate remain, even though the clashes in England have not been part of the American experience.

Noting there are justifications for continuing the privilege, Prof. Huefner nonetheless commented that the countervailing pressure is for legislative activities to be open and public. The need for transparency sometimes includes pressure to force legislatures and their staffs to be even more forthcoming and provide information. He described *City of Dublin v. State*, 138 Ohio App.3d 743, 742 N.E.2d 232 (2000), a case that challenged the scope of the open meetings law, but, in the course of addressing that question the trial court received testimony from a member of the Legislative Service Commission (LSC) staff about what was happening in a legislative committee meeting. At the same time, the court honored motions to quash a subpoena that would have required the legislators themselves to talk. Thus, Prof. Huefner noted, the trial court required testimony from a staffer while protecting the legislators themselves. He said the privilege should apply to staff as well as to legislators, but it is not always interpreted that way in the states.

Article II, Section 12 extends a privilege against arrest as well as the speech or debate privilege. Prof. Huefner said he had occasion to help the U.S. Senate understand the federal counterpart. He described an incident in the late 1990s when West Virginia Senator Robert Byrd was stopped on his way back to his Washington, D.C. suburban home and, when asked for identification, he produced his U.S. Senate identification card. The traffic officer decided not to cite him, but the

¹ Steven F. Huefner, *The Neglected Value of the Legislative Privilege in State Legislatures*, 45 Wm. & Mary L. Rev. 221 (2003), http://scholarship.law.wm.edu/wmlr/vol45/iss1/4 (last visited Nov. 14, 2016).

² See DeRolph v. State, 78 Ohio St.3d 193, 1997-Ohio-84, 677 N.E.2d 733 (DeRolph I); DeRolph v. State, 89 Ohio St.3d 1, 2000-Ohio-437, 728 N.E.2d 993 (DeRolph II); DeRolph v. State, 93 Ohio St.3d 309, 2001-Ohio-1343, 754 N.E.2d 1184 (DeRolph III); and DeRolph v. State, 97 Ohio St.3d 434, 2002-Ohio-6750, 780 N.E.2d 529 (DeRolph IV).

story that became public was that the officer said he could not cite Sen. Byrd because, as a member of Congress, he was privileged against arrest. Prof. Huefner said that is not true; rather, it is a privilege against a citizen's civil arrest, which was occasionally used to detain members of a legislative body to prevent them performing their legislative duty. The privilege only excuses members of the legislature from being arrested in all cases except treason, felony, and breach of the peace.

Addressing the prohibition against legislators being questioned elsewhere for any speech or debate, Prof. Huefner described what conduct and types of questioning is covered. He said by its terms the provision protects members of the legislature, but he thinks for that protection to be fully effective, legislative staff members ought to be within the scope of that privilege if the legislative member desires the privilege to cover the staffer. He said it is the member's privilege to encompass the staff that is serving the member in connection with the work they are doing. Prof. Huefner said the privilege should cover broadly all the essential legislative activities, a privilege that may go beyond the official duties of the legislators. He noted there are duties performed that may not be expressly legislative.

He said the remaining question is whether the privilege should be construed to protect the legislators only against liability or whether it also protects them against having to testify. The provision itself states they shall not be questioned elsewhere. He remarked that, if that statement is only taken at face value it is easy to argue legislators cannot be subpoenaed about what they have done, even if they are not defendants. But, he said, although this is how federal courts construe the rule, this is not always how state courts have construed it. He said the privilege against questioning includes being required to produce documents.

He said the privilege raises questions about freedom of information laws, commenting that an argument could be made that an individual legislator could extend his or her privilege to the entire legislative body. He said, at the same time, the privilege only provides that members should be free from questioning elsewhere, meaning outside the legislature, so that the legislature is always accountable to the public for what they do in legislative session, including ethics investigations, deciding what parts of the process to conduct in public session, and by videotaping floor and committee sessions. He said the legislature can choose to create paper documents as a way of making its activities more readily available to the public. Despite this, he said, it is his view that legislators need to be able to a degree to insulate themselves against the possibility that disgruntled constituents or other branches of government might be able to get information to harass them.

Prof. Huefner having concluded his remarks, Chair Mills asked committee members for questions or comments.

Representative Mike Curtin asked if Prof. Huefner could summarize where Ohio may be deficient in defining the privilege.

Prof. Huefner said his worry is that Ohio courts, which have not addressed the topic as frequently as federal courts, have been too willing to see the privilege as not extending to staff. He said he also is concerned that the courts may see the privilege as involving liability and evidentiary use of documents, but not as privileging testimonial inquiry about legislative activity. He said that is what happened in the *City of Dublin* case.

He said the deeper question is whether this is a deficiency in Ohio jurisprudence that should be remedied through judicial construction or through textual change in the provision. He said he is not arguing for a textual change in the provision. He said he will give it more extensive thought. He said he is not aware of much in the way of change to the language of these analogous provisions in other states that trace back to the founding constitutions. Even when rewritten, the provisions do not demonstrate a substantive change. He said there could be reason to scrap that relatively brief textual language and have something more detailed. But, he cautioned, "once you start putting in detail you have to worry about what you have left out."

Rep. Curtin followed up, asking whether there are cases to indicate that the privilege would extend not just to sitting legislators but to former legislators if litigation is brought after their service is over.

Prof. Huefner said he is sure at the federal level, at least in dicta, there are cases that make it clear that the privilege is ongoing, and does not just protect during the term of service. He said that sometimes raises interesting questions when the legislator has the privilege but has died, causing the question to become who asserts the privilege when someone seeks information in the legislator's file.

Committee member Bob Taft asked whether the privilege against arrest language is obsolete. Prof. Huefner said he is not aware that the civil arrest power has been used recently, thus, in theory the power is still there, just not used. He said he can see a stronger argument for a revision for that language rather than revising the speech or debate clause, to clarify what is being excluded. He said a revision could say "privileged from civil arrest but not criminal arrest." He said he needs to think more about whether a change is justifiable.

Committee member Jo Ann Davidson asked about a situation where, if the legislature determines it needs a quorum, law enforcement can be instructed to bring in members. She wondered if that situation relates to this provision.

Prof. Huefner said it is appropriate for the institution to have that power, but he hopes it is rarely used. He said, historically, it is possible to have the sergeant-of-arms drag people to the floor, but that is different from civil arrest.

Rep. Curtin asked, regarding the *DeRolph* case, whether legislators were compelled to testify or whether their participation was voluntary. Prof. Huefner said wherever the privilege applies it can be waived, and it is not a barrier that prevents giving the testimony if the testimony is voluntarily offered. He said the legislators who testified in *DeRolph* either knowingly waived or were not aware of the privilege, he is not sure which.

Ms. Davidson, recalling her participation as a witness in that litigation, said legislators did testify at the request of the defense, which was the state, so their participation was voluntary.

Chair Mills asked whether there was a subpoena issued in the case involving the LSC staffer. Prof. Huefner said he does not know if they asserted the privilege, but they were subpoenaed. He said there was a successful motion to have those subpoenas quashed.

Ms. Davidson asked whether there is a statutory provision relating to LSC as far as records are concerned, restraining records from being distributed as a protection to the legislator.

Prof. Huefner said on a couple of occasions the General Assembly has desired to pass some statutory provisions that would provide the same type of protection. But, he said, there is a strong argument that even without that provision the documents that LSC produces are for members of the General Assembly related to legislation, and so should be covered by the speech or debate clause. So, he said, the statute does not require interpreting what the constitutional provision means. He said Gov. Taft vetoed one piece of legislation because it provided more protection than the speech or debate would have provided, and the provision itself said it was intended to be redundant, but there was concern about how the court would interpret it. The General Assembly has wanted to use statutory means to be sure its members were protected, but in his view the speech or debate clause would provide that protection.

Chair Mills remarked that the committee has been reviewing Articles II and III, to see what may need to be modernized. He said, in preparation for discussion of Article II, Section12, he would like to follow up with Prof. Huefner to see if there are some things that maybe could be made clearer.

Prof. Huefner said the Kansas Constitution has one more word in it that may be relevant: it protects against legislators being questioned about speech and debate "or written document." Prof. Huefner suggested that might be a change to consider.

Adjournment:

There being no further business to come before the committee, the meeting was adjourned at 3:02 p.m.

Approval:

The minutes of the November 10, 2016 meeting of the Legislative Branch and Executive Branch Committee were approved at the December 15, 2016 meeting of the committee, and approved as corrected at the February 9, 2017 meeting of the committee.

Frederick E. Mills, Chair	
Paula Brooks, Vice-chair	

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Legislative Branch and Executive Branch Committee

Planning Worksheet (Through December 2016 Meetings)

Article II - Legislative

Sec. 2 – Election and term of state legislators (1967, am. 1992)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			
Completed	3.12.15	4.9.15	4.9.15	1.14.16						

Sec. 3 – Residence requirements for state legislators (1851, am. 1967)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			
Completed	12.15.16	N/A	12.15.16							

Sec. 4 – Dual office and conflict of interest prohibited (1851, am. 1973)										
Completed 12.15.16 N/A 12.15.16										

Sec. 5 – Who shall not hold office (1851)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			
Completed	12.15.16	N/A	12.15.16							

Sec. 6 – Powers of each house (1851, am. 1973)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			
Completed	12.15.16	N/A	12.15.16							

Sec. 7 – Organization of each house of the General Assembly (1851, am. 1973)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			
Completed	Completed 12.15.16 N/A 12.15.16									

Sec. 8 – Sessions of the General Assembly (1973)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			
Completed	12.15.16	N/A	12.15.16							

Sec. 9 – House and Senate Journals (yeas and nays) (1851, am. 1973)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			
Completed	Completed 12.15.16 N/A 12.15.16									

Sec. 10 – Rights of members to protest (1851)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			

Sec. 11 – Filling vacancy in House or Senate (1851, am. 1961, 1968, 1973)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			
Completed	12.15.16	N/A	12.15.16							

Sec. 12 – Privile	Sec. 12 – Privilege of members from arrest, and of speech (1851)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 13 – Legis	Sec. 13 – Legislative sessions to be public; exceptions (1851)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved					
Completed	Completed 12.15.16 N/A 12.15.16											

Sec. 14 – Power of adjournment (1851, am. 1973)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				
Completed	Completed 12.15.16 N/A 12.15.16										

Sec. 15 – How bill shall be passed (1973)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

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Sec. 20 – Term	of office, and co	mpensation of of	ficers in certain	cases (1851)			
Draft Status	Committee	Committee	Committee	CC Ammoyol	OCMC	OCMC	OCMC
Dian Status	1 st Pres.	2 nd Pres.	Approval	CC Approval	1 st Pres.	2 nd Pres.	Approved
Sec. 21 – Conte	ested elections (18	851)					
Draft Status	Committee	Committee	Committee	CC Approval	OCMC	OCMC	OCMC
Dian Status	1 st Pres.	2 nd Pres.	Approval	CC Approval	1 st Pres.	2 nd Pres.	Approved
Dian status	1 st Pres.	2 nd Pres.	Approval	CC Approvar	1 st Pres.	2 nd Pres.	Approved
		2 nd Pres.	Approval	CC Approvar	1 st Pres.	2 nd Pres.	Approved
	1 st Pres.	2 nd Pres.	Approval	CC Approvar			
Sec. 22 – Appro	opriations (1851) Committee	Committee	Committee		OCMC	OCMC	OCMC
	opriations (1851)			CC Approval			
Sec. 22 – Appro	opriations (1851) Committee	Committee	Committee		OCMC	OCMC	OCMC
Sec. 22 – Appro Draft Status	Committee 1st Pres.	Committee 2 nd Pres.	Committee Approval		OCMC	OCMC	OCMC
Sec. 22 – Appro Draft Status	opriations (1851) Committee	Committee 2 nd Pres.	Committee Approval		OCMC	OCMC	OCMC Approved
Sec. 22 – Appro Draft Status	Committee 1st Pres.	Committee 2 nd Pres.	Committee Approval		OCMC	OCMC	OCMC

Sec. 24 – Office	ers liable to impe	achment: conseq	uences (1851)	19			
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 26 – Laws	to have a uniform	m operation (185	1)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 27 – Electi	on and appointm	ent of officers; fi	lling vacancies (1851, am. 1953)			
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 28 – Retro	active laws (1851	1)					
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
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Sec. 29 – No ex	tra compensation	n; exceptions (18	51)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 30 – New o	counties (1851)						
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 31 – Comp	pensation of mem	bers and officers	of the General A	Assembly (1851)			
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
	1 1100	2 1100	119910 (41		1 1100	2 1100	112510
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Sec. 32 – Divor	ces and judicial p	power (1851)					
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 33 – Mech	anics' and contra	ctors' liens (1912)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
2 21		(1010)					
Sec. 34 – Welfa	are of employees	(1912)					
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
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Sec. 34a – Mini	mum Wage (200	6)					
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 35 – Work	ers' compensatio	n (1912, am. 192	23)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 36 – Conse	ervation of natura	ll resources (1912	2, am. 1973)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 37 – Work	day and workwee	ek on public proj	ects (1912)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 38 – Remo	oval of officials fo	or misconduct (19	912)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 39 – Regulating expert testimony in criminal trials (1912)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			

Sec. 40 – Registering and warranting land titles (1912)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 41 – Prison labor (1912, am. 1978)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			

Sec. 42 – Continuity of government operations in emergencies caused by enemy attack (1961)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Article III - Executive

Sec. 1 – Executive department; key state officers (1851, am. 1885)											

Sec. 1a – Joint vote cast for governor and lieutenant (1976)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 1b – Lieut	Sec. 1b – Lieutenant governor duties assigned by governor (1976)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 2 – Term o	Sec. 2 – Term of office of key state officers (1851, am. 1954, 1992)										

Sec. 3 – Counting votes for key state officers (1851, am. 1976)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved			
Sec. 5 – Execut	ive power vested	in governor (185	51)							

Sec. 5 – Execut	Sec. 5 – Executive power vested in governor (1851)										

Sec. 6 – Govern	Sec. 6 – Governor to see that laws executed; may require written information (1851)										

Sec. 7 – Govern	Sec. 7 – Governor's annual message to General Assembly; recommendations for legislators (1851)										

Sec. 8 – Govern	Sec. 8 – Governor may convene special session of legislature with limited purposes (1851, am. 1912)										
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 9 – When	Governor may ad	ljourn the legislat	ture (1851)	23			
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 10 – Gover	rnor is command	er-in-chief of mil	litia (1851)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 11 – Gover	rnor may grant re	eprieves, commut	ations and pardo	ons (1851, am. 199	95)		
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 12 – Seal o	of the state, and b	y whom kept (18	351)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 13 – How	grants and comm	issions issued (1	851)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
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				26			
Sec. 14 – Who	is ineligible for g	governor (1851)					
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec 15 – Succe	ession in case of v	vacancy in office	of governor (19	76)			
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 17 – If a va	•	,		overnor, who shall			
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 17a – Fillir Draft Status	ng a vacancy in the Committee 1st Pres.	he office of lieute Committee 2 nd Pres.	enant governor (Committee Approval	1989) CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 18 – Gove	ernor to fill vacan	cies in key state	offices (1851, ar	n. 1969)			
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 19 – Compensation of key state officers (1851)											
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved				

Sec. 20 – Annua	al report of execu	itive officers (185	51)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 21 – Appo	intments to office	e; advice and con	sent of Senate (1	961)			
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 22 – Supre	me Court to dete	rmine disability o	of governor or go	overnor elect; suc	cession (1976)		
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Article V – Elective Franchise (Select Provision)

Sec. 8 – Term 1	imits for U.S. ser	nators and represe	entatives (1992)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 9 – Eligibi	lity of office hold	lers (1992)					
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Article IX - Militia

Sec. 1 – Who s	hall perform mil	itary duty (1851,	am. 1953, 1961)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 3 – Appoi	intment of militia	a officers (1851, a	am. 1961)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 4 – Power	of governor to c	all forth militia (1851, am. 1961)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Sec. 5 – Public	arms; arsenals (1	1851)					
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

Article XI – Apportionment/Congressional Redistricting

Sec. 1 – Ohio I	Redistricting Con	nmission (2015/2	(021)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Completed	1.14.16	2.4.16					

Sec. 2 – Repres	sentative for each	house and senat	e district (2015/2	2021)			
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved

- a a	Committee	Committee	Committee		OCMC	OCMC	OCMC
Draft Status	1 st Pres.	2 nd Pres.	Approval	CC Approval	1 st Pres.	2 nd Pres.	Approved
Sec. 4 – Forma	tion of senate dis	stricts (2015/202)	1)				
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
Sec. 5 – Term o	of senators on cha	ange of senate dis	strict boundaries	(2015/2021)			
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	Committee	Committee	Committee		OCMC	OCMC	OCMC
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved
		2 nd Pres.	Approval				
	1 st Pres.	2 nd Pres.	Approval				
Sec. 6 – Genera	1 st Pres.	2 nd Pres. cts; standards for Committee	Approval drawing (2015/	2021)	1 st Pres.	2 nd Pres.	Approved
Sec. 6 – Genera Draft Status	1 st Pres. Il assembly district Committee 1 st Pres.	2 nd Pres. cts; standards for Committee 2 nd Pres.	Approval drawing (2015/2 Committee Approval	2021)	1 st Pres.	2 nd Pres.	Approved

Sec. 8 – Adoption of final plan; failure to adopt (2015/2021)								
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved	

Sec. 9 – Supreme Court jurisdiction (2015/2021)								
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved	

Sec. 10 – Severability of provisions (2015/2021)								
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved	

Article XIV - Ohio Livestock Care Standards Board (2009)

Sec. 1 – Ohio Livestock Care Standards Board (2009)									
Draft Status	Committee 1 st Pres.	Committee 2 nd Pres.	Committee Approval	CC Approval	OCMC 1 st Pres.	OCMC 2 nd Pres.	OCMC Approved		

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2017 Meeting Dates

March 9

April 13

May 11

June 8

July 13

August 10

September 14

October 12

November 9

December 14