

Co-Chair
Charleta B. Tavares
Assistant Minority Leader
15th Senate District



Co-Chair
William G. Batchelder, Speaker
69th House District

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES
FOR THE MEETING HELD
THURSDAY, NOVEMBER 13, 2014

Call to Order:

Speaker Batchelder called the meeting of the Ohio Constitutional Modernization Commission ("Commission") to order at 1:40 p.m.

Members Present:

A quorum was present with Commission members Batchelder, Tavares, Abaray, Amstutz, Brooks, Clyde, Cole, Coley, Davidson, Gilbert, Huffman, Jacobson, Kurfess, Macon, Mills, Mulvihill, Obhof, Readler, Sapphire, Sawyer, Skindell, Sykes, Talley, Taft, Trafford, and Wagoner in attendance.

Approval of Minutes:

Minutes of the September 11, 2014 meeting were reviewed and approved.

Committee Reports:

Organization and Administration Committee

Speaker Batchelder recognized Mark Wagoner for a report of the Organization and Administration Committee. Mr. Wagoner indicated there was no committee report at this time.

Coordinating Committee

Speaker Batchelder recognized Kathleen Trafford for a report of the Coordinating Committee. Ms. Trafford reported that at the last meeting the committee reviewed, and approved, the template for reports and recommendations that the subject matter committees will use to submit recommendations to the Coordinating Committee and then on to the full Commission. Ms. Trafford also complimented the staff for their excellent work in creating this template. Not only is the template user-friendly, these reports and recommendations will provide the necessary information needed to drafting the final report of the Commission

Public Education and Information Committee

No report.

Liaisons with Public Offices Committee

No report.

Education, Public Institutions, and Local Government Committee

Speaker Batchelder recognized Chad Readler, Chair of the Education, Public Institutions, and Local Government Committee. Mr. Readler reported the committee heard from Justice Paul Pfeifer and former justice Robert Cupp. Justice Pfeifer spoke on the “thorough and efficient” language in Article VI, Section 2 of the Ohio Constitution, and the DeRolf litigation, which he was involved with as a sitting justice, and shared his views on those topics. Justice Cupp addressed the committee in his role as chief legal counsel with the Auditor of State regarding Article VI, Section 1 of the Ohio Constitution regarding funds held by the state, for religious and educational purposes.

Mr. Readler said the committee will begin preparing reports and recommendations on various topics the committee has discussed over the past 18 months with respect to any changes in Article VI.

Finance, Taxation, and Economic Development Committee

Speaker Batchelder recognized Doug Cole, Chair of the Finance, Taxation, and Economic Development Committee. Mr. Cole indicated there was no committee report at this time.

Judicial Branch and Administration of Justice Committee

Speaker Batchelder recognized Janet Abaray, Chair of the Judicial Branch and Administration of Justice Committee. Ms. Abaray reported the committee heard from Justice Paul Pfeifer on Article IV, Section 2 (B)(1) of the Ohio Constitution pertaining to the original jurisdiction of the Supreme Court. He proposes that jurisdiction of the Supreme Court be expanded in order to make declaratory judgments on constitutional issues which would be discretionary in nature.

Ms. Abaray also reported that Sen. Obhof has presented two provisions of Article VI that are potentially obsolete which the committee will be voting on at its next meeting.

Ms. Abaray asked the commission if a decision has been made as to how obsolete provisions will be presented to the voters. She asked whether a large number of obsolete provisions would be identified and then taken to the voters. Ms. Trafford responded to the question by explaining that the Coordinating Committee has discussed this and it was decided that as the subject matter committees identify these provisions they will be submitted to the Coordinating Committee which will then package them in logical groups to bring to the full Commission.

Bill of Rights and Voting Committee

Speaker Batchelder recognized Richard Saphire, Chair of the Bill of Rights and Voting Committee. Prof. Saphire indicated there was no committee report at this time.

Constitutional Revisions and Updating Committee

Speaker Batchelder recognized Dennis Mulvihill, Chair of the Constitutional Revisions and Updating Committee. Mr. Mulvihill indicated there was no committee report at this time.

Legislative Branch and Executive Branch Committee

Speaker Batchelder recognized Fred Mills, Chair of the Legislative Branch and Executive Branch Committee. Mr. Mills reported the committee has been discussing at length, and for a number of months, the issues of redistricting and apportionment. He reported that at its meeting on October 9, 2014 the committee heard a presentation from Rep. Sykes and the minority caucus of the House. Mr. Mills also reported that at the committee's meeting scheduled for later in the day it would be hearing from Rep. Huffman on HJR 11 and HJR 12 which he had recently introduced in the House of Representatives.

Executive Director Report

Speaker Batchelder recognized Steven Hollon, the Executive Director of the Commission for an update. Mr. Hollon reported commission members have participated on two panel presentations. Chad Readler, Jo Ann Davidson, and Fred Mills, were on a panel at the John Glenn School Leadership Forum in October. Each talked about the work of their committee which generated great interest from the audience and several questions. Mr. Hollon also moderated a panel discussion, which included Judge Pat Fischer and Paula Brooks, for the OSBA Counsel of Delegates. This too generated great interest from the audience and several questions. He has also received requests from other groups for speakers from the Commission.

Mr. Hollon then circulated copies of reports and recommendations to the members so they could see what they will look like when they are prepared. The reports and recommendations will be the work product of the committees. Commission staff will be preparing reports and recommendations in cooperation with committee chairs, and on behalf of the committees, for every section of the constitution the committees are assigned to review. Some sections may be combined into one report and recommendation.

Shari O'Neill, Counsel to the Commission, will prepare first drafts which will then be edited by Steve Hollon and Steve Steinglass. It will then be forwarded to the committee chair for review and approval to send to committee members so they can review in advance of the next committee meeting.

Mr. Hollon stated that at the Judicial Branch and Administration of Justice Committee meeting earlier today the committee received two reports and recommendations as presented by Sen. Obhof. The Bill of Rights and Voting Committee will receive three reports and recommendations at its December meeting.

Mr. Hollon said that although the full Commission is not schedule to meet in December he would like to suggest there be a meeting so the Commission can approve the biennial report, for 2013 – 2014, which must be submitted to the General Assembly by December 31st. The report will be prepared and circulated to Commission members in advance of the next meeting.

Mr. Hollon asked the members to let him know if they would like other information provided prior to Commission and committee meetings in addition to the preview emails which have been sent to members for the October and November meetings.

Mr. Hollon also mentioned the meeting materials booklets and asked Commission members to let him know if there is any additional information they would like to see included or if they have suggestions for improvements, to make sure the members are receiving the information they need to fulfill their duties on the Commission.

Additional Comments/Discussion/Remarks

Speaker Batchelder recognized Sen. Sawyer for a question. Sen. Sawyer asked about the fate of legislators who will be leaving office and their role on the Commission. Speaker Batchelder said it was his understanding that these legislators could be re-appointed to the Commission. Mr. Hollon will investigate in order to provide an accurate response. Sen. Tavares cautioned that it is important that we maintain a balanced membership that is representative of the public and not be comprised of just current and former legislators and elected officials. We want to ensure that the public is engaged in this process.

Adjournment:

With no further business, the Commission adjourned at 2:02 p.m.

Approval:

The minutes of the November 13, 2014 meeting of the Commission were approved at the December 11, 2014 meeting of the Commission.



Speaker William G. Batchelder, Co-Chair

Senator Charleta B. Tavares, Co-Chair