

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



Co-Chair
Ron Amstutz
Speaker Pro Tempore
1st House District

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES FOR THE MEETING HELD THURSDAY, APRIL 9, 2015

Call to Order:

Senator Tavares 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 Tavares, Amstutz, Abaray, Asher, Brooks, Clyde, Coley, Cupp, Curtin, Davidson, Fischer, Kurfess, Macon, Mills, Mulvihill, Obhof, Peterson, Readler, Sapphire, Skindell, Sykes, Taft, Trafford, and Wagoner in attendance.

Approval of Minutes:

Minutes of the February 12, 2015 meeting were reviewed and approved.

Announcement of New Co-Chair:

Senator Tavares, as co-chair, announced that earlier in the morning the legislative members of the Commission met to select a new co-chair to join her in that role. By a unanimous vote, Representative Ron Amstutz was selected.

Newly-elected Co-Chair Representative Amstutz expressed how deeply humbled he is to be elected to the position of co-chair. He stated that he is looking forward to overseeing the future work of the Commission, as the Commission seems to be gaining momentum. He expressed that he sees his role of co-chair as advisory. Therefore, he made himself available to all members who have an interest in seeking his assistance.

Senator Tavares explained that the two co-chairs plan to take turns running the meetings. She expressed that she is looking forward to having a co-chair, especially one with such vast institutional knowledge.

Standing Committee Reports:

Coordinating Committee

Senator Tavares recognized Kathleen Trafford, chair of the Coordinating Committee, for a report of the activities of the committee. Ms. Trafford reported that the committee met in both February and March but had no action items for the Commission at this time.

Public Education and Information Committee
Liaisons with Public Offices Committee

Senator Tavares recognized Herb Asher, chair of the Liaisons with Public Offices Committee. Roger Beckett, chair of the Public Education and Information Committee, was excused from this month's meeting. As a result, Mr. Asher reported on the status of both committees, as the two committees meet jointly during the months when they convene. Mr. Asher reported that neither committee had action items for the Commission at this time.

Organization and Administration Committee

Senator Tavares recognized Mark Wagoner, chair of the Organization and Administration Committee. Mr. Wagoner reported that the Commission remains on budget and fully staffed. In addition, a budget request has been made to the General Assembly to ensure the Commission's continued funding in the upcoming state budget.

Subject Matter Committee Reports:

Education, Public Institutions, and Local Government Committee

Senator Tavares recognized Chad Readler, chair of the Education, Public Institutions, and Local Government Committee. Mr. Readler reported that the committee has been examining Article VI, Section 1 (Funds for Religious and Educational Purposes) and Article VI, Section 2 (School Funds). He stated that the committee plans to leave the two provisions in place. Next, the committee will move on to the rest of Article VI (Education).

Finance, Taxation, and Economic Development Committee

In the absence of Doug Cole, chair of the Finance, Taxation, and Economic Development Committee, and Karla Bell, vice-chair of the committee, there was no report for this committee.

Judicial Branch and Administration of Justice Committee

Senator Tavares recognized Janet Abaray, chair of the Judicial Branch and Administration of Justice Committee. Ms. Abaray reported that the committee primarily has been discussing Justice Paul Pfeifer's comments suggesting a possible expansion of the original jurisdiction of the Ohio Supreme Court. The committee has not come to a final recommendation regarding that topic.

Bill of Rights and Voting Committee

Senator Tavares recognized Richard Saphire, chair of the Bill of Rights and Voting Committee. Mr. Saphire reported that the committee is continuing the discussion of Article V, Section 6, regarding disenfranchisement of the mentally impaired. He stated that the committee is making progress on crafting an appropriate revision of that section, and hopes to make a recommendation soon. In addition, the committee had a first reading of a report and recommendation for Article I, Section 13 (Quartering of Troops), as well as a first reading of a report and recommendation for Article I, Section 17 (No Hereditary Privileges).

Constitutional Revision and Updating Committee

Senator Tavares recognized Dennis Mulvihill, chair of the Constitutional Revision and Updating Committee. Mr. Mulvihill reported that the committee would be meeting later that afternoon, after the Commission meeting. The committee members will be looking at what subject matters are or should be allowed in citizen's initiatives.

Legislative Branch and Executive Branch Committee

Senator Tavares recognized Fred Mills, chair of the Legislative Branch and Executive Branch Committee. Mr. Mills reported that the committee has continued to meet each month to address its agenda. At the meeting earlier that morning, the committee had a second reading of two reports and recommendations outlining two different options relating to Article II, Section 2 (Legislative Term Limits). The committee voted to approve both reports and recommendations. The committee also heard presentations by Representatives Kathleen Clyde and Michael F. Curtin regarding their congressional redistricting proposal. Senate Joint Resolution 1 (Public Office Compensation Commission) was also on the agenda, but due to time constraints was not discussed. Both the congressional redistricting proposal and SJR 1 will be on the agenda for subsequent committee meetings.

Reports and Recommendations:

Senator Obhof then presented the reports and recommendations for Article IV, Sections 19 and 22.

Article IV, Section 19 (Courts of Conciliation)

Following a second reading of this proposal regarding Article IV, Section 19 (Courts of Conciliation). Senator Tavares called for questions and comments from Commission members.

Committee member Janet Abaray asked for clarification as to whether the General Assembly could still establish an alternative court system if this section is repealed. Senator Obhof recalled comments by both Dean Steven H. Steinglass, Senior Policy Advisor to the Commission, and Jo Ellen Cline, Government Relations Council for the Ohio Supreme Court, who had indicated that repealing this provision would not affect the General Assembly's ability to create arbitration or other alternative dispute resolution systems.

Committee member Abaray then asked whether these alternate dispute resolution mechanisms are currently a forum funded by the General Assembly, making that option free for individuals to pursue. She asked whether, if the constitutional provision allowing for Courts of Conciliation were to disappear, litigants would have to pay for these alternative services. Senator Obhof responded that this repeal would not affect current forums at all.

There were no public comments on this report and recommendation. Senator Obhof motioned that the report and recommendation be adopted. Committee member Mark Wagoner seconded the motion. Senator Tavares called for a roll call vote:

Yea – 23

Nay – 1

Absent – 8

Senator Tavares – yea
Representative Amstutz – yea
Janet Abaray – nay
Herb Asher – yea
Roger Beckett – absent
Karla Bell – absent
Commissioner Brooks – yea
Representative Clyde – yea
Douglas Cole - absent
Senator Coley – yea
Representative Cupp – yea
Representative Curtin – yea
Speaker Davidson – yea
Judge Fischer – yea
Edward Gilbert – absent
Jeff Jacobson – absent
Speaker Kurfess – yea
Dr. Macon – yea
Representative Manning – absent
Fred Mills – yea
Dennis Mulvihill – yea
Senator Obhof – yea
Senator Peterson – yea
Chad Readler – yea
Richard Sapphire – yea
Senator Sawyer – absent
Senator Skindell – yea
Representative Sykes – yea
Petee Talley – absent
Governor Taft – yea
Kathleen Trafford – yea
Mark Wagoner – yea

Article IV, Section 22 (Supreme Court Commission)

Following a second reading of a proposal regarding Article IV, Section 22 (Supreme Court Commission), there were no questions or comments. Senator Obhof motioned that the report and recommendation be adopted. Judge Patrick Fischer seconded the motion. Senator Tavares called for a roll call vote:

Yea – 24
Nay – 0
Absent – 8

Senator Tavares – yea
Representative Amstutz – yea
Janet Abaray – yea

Herb Asher – yea
Roger Beckett – absent
Karla Bell – absent
Commissioner Brooks – yea
Representative Clyde – yea
Douglas Cole - absent
Senator Coley – yea
Representative Cupp – yea
Representative Curtin – yea
Speaker Davidson – yea
Judge Fischer – yea
Edward Gilbert – absent
Jeff Jacobson – absent
Speaker Kurfess – yea
Dr. Macon – yea
Representative Manning – absent
Fred Mills – yea
Dennis Mulvihill – yea
Senator Obhof – yea
Senator Peterson – yea
Chad Readler – yea
Richard Sapphire – yea
Senator Sawyer – absent
Senator Skindell – yea
Representative Sykes – yea
Petee Talley – absent
Governor Taft – yea
Kathleen Trafford – yea
Mark Wagoner – yea

The reports and recommendations for Article IV, Sections 19 and 22, having been approved by at least twenty-two members of the Commission, are now ready for presentation to the General Assembly.

The Commission then proceeded to consider, for the first time, three reports and recommendations from the Bill of Rights and Voting Committee.

Committee chair Richard Sapphire presented the reports and recommendations for Article I, Sections 2, 3, and 4. Chair Sapphire explained that the committee recommended no change to these three provisions.

Article I, Section 2 (Right to Alter, Reform, or Abolish Government)

Upon a first reading of this report and recommendation regarding the right to alter, reform, or abolish government, there were no comments.

Article I, Section 3 (Right to Assemble)

Upon a first reading of this report and recommendation regarding the right to assemble, there were no comments.

Article I, Section 4 (Bearing Arms; Standing Armies; Military Power)

Upon a first reading of this report and recommendation regarding the right to bear arms; standing armies; and military power, there were no comments.

Chair Sapphire concluded by saying that these three reports and recommendations will be brought back for a second reading at the next meeting of the Commission.

Executive Director's Report

Executive Director Steven C. Hollon reported that Commission staff continues to research the question raised at the last Commission meeting relating to Commission member involvement in furthering ballot issues that had been subject to Commission review.

Adjournment:

With no further business, the Commission adjourned at 2:20 p.m.

Attachments:

- Notice
- Agenda
- Roll call sheet

Approval:

The minutes of the April 9, 2015 meeting of the Commission were approved at the June 11, 2015 meeting of the Commission.

Excused

Co-Chair
Sen. Charleta B. Tavares
Assistant Minority Leader

/s/ Rep. Ron Amstutz

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