

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, OCTOBER 8, 2015

Call to Order:

Co-chair Ron Amstutz called the meeting of the Ohio Constitutional Modernization Commission ("Commission") to order at 1:45 p.m.

Members Present:

A quorum was present with Commission Co-chairs Tavares and Amstutz, and Commission members Asher, Beckett, Brooks, Clyde, Cole, Coley, Cupp, Curtin, Davidson, Fischer, Gilbert, Jacobson, Kurfess, Manning, Mills, Obhof, Peterson, Readler, Sapphire, Sawyer, and Taft in attendance.

Approval of Minutes:

The minutes of the September 10, 2015 meeting of the Commission were reviewed and approved.

Standing Committee Reports:

Coordinating Committee

Co-chair Amstutz recognized Commission member Jo Ann Davidson, vice-chair of the Coordinating Committee, for a report of the activities of the committee. Ms. Davidson stated the committee had reviewed two recommendations from the Education, Public Institutions, and Local Government Committee, one on Article VI, Section 1 (Funds for Religious and Educational Purposes) and the other on Article VI, Section 2 (School Funds). Both of the reports and recommendations indicated no change was recommended. She indicated the Coordinating Committee approved the format of the reports and recommendations, and that they will be sent on for the Commission to review at a future meeting. The committee also discussed an additional issue of whether it could have a role of reviewing the operation of the various committees to be sure they are operating as efficiently as possible. Ms. Davidson said Kathleen Trafford, chair of the Coordinating Committee, agreed the committee would accept this responsibility, and that the committee will work out a system for this review, meet with the Commission co-chairs, and come back to the Commission with suggestions.

*Public Education and Information Committee and
Liaisons with Public Offices Committee*

Co-chair Amstutz recognized Commission member Roger Beckett, chair of the Public Education and Information Committee. Mr. Beckett provided a report on behalf of the Public Education and Information Committee, as well as the Liaisons with Public Offices Committee, which is chaired by Herb Asher. Mr. Beckett acknowledged and thanked staff working to spread the word about the work of the Commission. He noted that Communications Director Shaunte Russell and Counsel to the Commission Shari O'Neill presented at the annual Law and Citizenship Conference of the Ohio Center for Law Related Education. He also mentioned presentations that were made by Executive Director Steven C. Hollon and Commission members to several bar associations, including a presentation in Cincinnati by Commission members Janet Abaray and Pat Fischer, and in Dayton by Commission members Richard Saphire and Bob Taft. He also mentioned an upcoming Akron Bar Association program that will be presented by Representative Emilia Sykes and Commission member Edward Gilbert. Mr. Beckett commented that the committee will be working with Ms. Russell and Mr. Hollon to consider participating in other programs, and asked Commission members who may be giving presentations that involve the Commission to share the information with staff so that information can be provided in the newsletter. He also asked Commission members who have recommendations for outreach activities to let staff know.

Organization and Administration Committee

Co-chair Amstutz recognized Mr. Gilbert, vice-chair of the Organization and Administration Committee. Mr. Gilbert presented a report in which he indicated the Commission now has a budget allocation for 2016 of \$600,000.00. He said that the committee will be conducting staff reviews and evaluations this month. He said the committee recently coordinated an update of the Rules of Procedure and Conduct, and that the committee is open to further suggestions on the rules, inviting Commission members to come forward with ideas.

Subject Matter Committee Reports:

Education, Public Institutions, and Local Government Committee

Co-chair Amstutz recognized Commission member Chad Readler, chair of the Education, Public Institutions, and Local Government Committee. Mr. Readler reported that the committee met earlier that morning, accomplishing three things. He said, first, the committee passed its first two reports and recommendations out of committee, recommending no change to Article VI, Section 1 (Funds for Religious and Educational Purposes) and Section 2 (School Funds). He said the reports and recommendations would be presented to the Commission at its next meeting. He said the committee had a first reading of a report and recommendation for Article VI, Section 3, relating to the role of local school boards. He said the committee has heard testimony from several witnesses on that topic, but noted that, in addition to the committee's work there are two other actions going on relating to the power of local boards, specifically, litigation regarding Youngstown schools, and legislation related to local school boards that has been introduced in the General Assembly. He said as a result of these developments, the committee will be holding off on its final vote to see how those events play out. Mr. Readler said the committee also heard from William L. Phillis, executive director of the Ohio Coalition for Equity and Adequacy of School Funding, about the state board of education and had a discussion about that.

Finance, Taxation, and Economic Development Committee

Co-chair Amstutz recognized Commission member Doug Cole, chair of the Finance, Taxation, and Economic Development Committee. Mr. Cole said the committee heard a presentation by Tim Keen, director of the Office of Management and Budget. He said Mr. Keen's presentation was the last testimony the committee anticipates hearing on the topic of state debt, and that the committee will now work on crafting some language for Article VIII that would accomplish the objectives the committee has been discussing. He said he anticipates coming forward soon with recommendations.

Judicial Branch and Administration of Justice Committee

Co-chair Amstutz recognized Judge Patrick Fischer, vice-chair of the Judicial Branch and Administration of Justice Committee. Judge Fischer reported that the committee's next meeting will continue a review of the grand jury system. He encouraged anyone with an interest to come to the meeting, as there will be many witnesses to talk about the grand jury process.

Bill of Rights and Voting Committee

Co-chair Amstutz recognized Richard Saphire, chair of the Bill of Rights and Voting Committee. Mr. Saphire told the Commission that his group continues to consider Article V, Section 6, involving mental capacity for voting. He said, in September the committee considered for the first time a report and recommendation proposing a change to that provision, and that at its next meeting the committee expects to have a redraft reflecting some of the discussion. He said the committee also considered Article V, Section 4, involving felon disenfranchisement, voted to retain that provision as is, and will consider a report and recommendation on that provision in November. Mr. Saphire concluded by saying the committee also began its initial consideration of Article V, Section 1, relating to who may vote.

Constitutional Revision and Updating Committee

Co-chair Amstutz recognized Mr. Hollon who reported on behalf of the Constitutional Revision and Updating Committee. Mr. Hollon indicated the committee had devoted much time earlier in the year discussing the anti-monopoly provision, now known as Issue 2, which will be on the ballot in November. Mr. Hollon said, in September Senior Policy Advisor Steven H. Steinglass presented a report on the indirect statutory initiative, and that the committee held a discussion on that topic. Mr. Hollon said he expects that next month the committee will continue that discussion, ultimately deciding whether to recommend changes to the indirect statutory initiative.

Legislative Branch and Executive Branch Committee

Co-chair Amstutz recognized Commission member Fred Mills, chair of the Legislative Branch and Executive Branch Committee. Mr. Mills reported that the committee heard testimony from Senator Frank LaRose and Senator Tom Sawyer regarding Senate Joint Resolution 2, a resolution they are co-sponsoring that would revise the method for drawing district lines for Ohio Congressional districts. Mr. Mills said the committee has talked extensively about this issue before and will continue the discussion at its next meeting. He said the committee also heard interested party testimony on that issue. He said the committee intends to continue a discussion

of the single subject rule at its next meeting, and that there are a number of other measures to review, so the committee will continue to be active.

Reports and Recommendations:

Article I, Section 13 (Quartering Troops)

Mr. Saphire, chair of the Bill of Rights and Voting Committee, provided a second presentation on the committee's report and recommendation on Article I, Section 13, (Quartering of Troops.) After providing a brief summary of the content of the report and recommendation, Mr. Saphire indicated that the committee recommends that no change be made and that the provision be retained in its current form. At that time, Mr. Cole moved to adopt the report and recommendation, which Senator Obhof seconded. There was no discussion. The Commission then took a roll call vote, and the Commission unanimously voted to adopt the report and recommendation.

Yea – 23
Nay – 0
Absent – 9

Senator Tavares – yea
Representative Amstutz – yea
Janet Abaray - absent
Herb Asher – yea
Roger Beckett – yea
Karla Bell – absent
Paula Brooks – yea
Representative Clyde – yea
Douglas Cole - yea
Senator Coley – yea
Representative Cupp – yea
Representative Curtin – yea
Jo Ann Davidson – yea
Judge Fischer – yea
Edward Gilbert – yea
Jeff Jacobson – yea
Speaker Kurfess – yea
Larry Macon – absent
Representative Manning – yea
Fred Mills – yea
Dennis Mulvihill – absent
Senator Obhof – yea
Senator Peterson – yea
Chad Readler – yea
Richard Saphire – yea
Senator Sawyer – yea
Senator Skindell – absent
Representative Sykes – absent
Governor Taft – yea

Petee Talley – absent
Kathleen Trafford – absent
Mark Wagoner – absent

Article I, Section 17 (No Hereditary Privileges)

Mr. Saphire then provided a second presentation on the committee's report and recommendation on Article I, Section 17 (No Hereditary Privileges). After describing the history of this provision, which prevents the awarding of titles of nobility or hereditary emoluments, he stated that the committee had concluded that Article I, Section 17 should be retained in its current form. Upon motion by Judge Fischer, which was seconded by Ms. Davidson, the Commission voted unanimously to approve the report and recommendation of the Bill of Rights and Voting Committee for Article I, Section 17.

Yea – 23
Nay – 0
Absent – 9

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

Executive Director’s Report:

Mr. Hollon stated that, at its last meeting, the Commission adopted amendments to the Rules of Procedure and Conduct, which have now been circulated via email, as well as being provided as a hard copy to each Commission member. He noted that the full Commission is now meeting on a monthly basis, with its next meeting on November 12, the day after Veterans Day. He said at that time the Commission will be considering for the first time two reports and recommendations from the Education, Public Institutions, and Local Government Committee. Mr. Hollon commended staff and Commission members for attending events that are intended to inform the public of the Commission’s work, and encouraged members to communicate activities of this nature to staff so that the news can be reported.

Adjournment:

There being no further business to come before the Commission, the meeting adjourned at 2:30 p.m.

Approval:

The minutes of the October 8, 2015 meeting of the Commission were approved at the November 12, 2015 meeting of the Commission.

/s/ Charleta Tavares

Co-chair
Senator Charleta B. Tavares
Assistant Minority Leader

/s/ Ron Amstutz

Co-chair
Representative Ron Amstutz
Speaker Pro Tempore