

Ohio Constitutional Modernization Commission
Interim Rules of Procedure and Conduct – Draft #2
(Subcommittee's recommendations
and
identification of topics
on which the Subcommittee has no recommendation.)

1. Statutorily prescribed objectives of the Ohio Constitutional Modernization Commission:

- a. To study the Constitution of Ohio,
- b. To promote an exchange of experiences and suggestions respecting desired changes in the Constitution;
- c. To consider the problems pertaining to the amendment of the Constitution;
and
- d. To make recommendations from time to time to the General Assembly for the amendment of the Constitution.

2. Grants, gifts, bequests.

- a. Ohio Rev. Code § 103.65 allows the Commission to receive grants, gifts, bequests, and devises (a) for the purpose of reimbursing members for actual and necessary expenses incurred while engaged in official duties or (b) for the purpose of meeting expenses incurred in any special research or study relating to the Constitution of Ohio.
- b. The Commission will accept a gift, bequest, or devise only if:
 - i. Two-thirds of the sitting members of the Commission agree that the gift, bequest, or devise does not present any threat to the objectivity of the Commission's study of the Ohio Constitution or recommendations to the General Assembly; and
 - ii. The donor is a
 1. An individual,
 2. A public or private not-for-profit university,
 3. [A community foundation]
 4. A publicly-traded corporation, or

5. Other entity that discloses that discloses to the Commission its members and the sources of financial support it offers.

3. **Procedural Rules for conducting the Commission's work:**

- a. **Meetings of the Commission** [Except as noted, this provision is drawn from the Rules believed to have been adopted by the 1970s' Constitutional Revision Commission].
 - i. [This subparagraph differs from the procedure followed by the 1970s' Constitutional Revision Commission]The Co-Chairs or either of them will preside at all Commission meetings, maintain order, and, subject to appeal to the Commission, decide questions of order. The Commission will select a public member as Chair *pro tem* who will preside a meetings of the Commission in the Co-Chairs' absence.
 - ii. Except to the extent that it conflicts with the law of Ohio, Robert's Rules of Order Newly Revised (11th ed.) will govern the deliberative actions of the Commission.
 - iii. The Commission will meet once a month on a date specified by the Co-Chairs and at such other times at the call of the Co-Chairs.
 - iv. The Commission's monthly meeting will normally convene will normally meet in Franklin County at a location recommended by the Organization and Administration Committee. The Co-Chairs may from time to time designate a location outside Franklin County to conduct a monthly meeting of the Commission.
 - v. All meetings of the Commission and of its committees and subcommittees will be conducted in public sessions.
 - vi. [Drawn for the Subcommittee on Public Information and Guidance] The Commission will maintain a website that will
 1. reflect the work of the Commission and the issues before it,
 2. serve as a means for the public
 - a. to comment on the Commission's work, and
 - b. to submit suggestions regarding the Ohio Constitution.
 - vii. [Drawn for the Subcommittee on Public Information and Guidance] Copies of public records of the Commission will be available to the public as provided by law.

b. Quorum and Voting [Drawn from the Rules believed to have been adopted by the 1970s' Constitutional Revision Commission].

- i. The presence of 21 members of the Commission constitutes a quorum to do business. Except when otherwise prescribed by law or by these Rules, all issues, including changes to these Rules, requires the affirmative vote for approval by 17 members of the Commission.
- ii. No member may vote by proxy.
- iii. Unless otherwise provided by these Rules, a member of the Commission must be present at the location of the Commission's meeting in order to participate. A member may designate a representative to attend the meeting on the member's behalf. The representative may not vote or participate in the meeting.
- iv. Recommendations to the General Assembly require the affirmative vote of 22 member of the Commission. A vote of the Commission on any recommendation to the General Assembly will be taken as a Roll Call vote.

c. Committees and Subcommittees.

- i. Each Committee formed by the Commission may determine its own rules of procedure not inconsistent with these rules.
- ii. Each Committee formed by the Commission may determine the number and composition of its subcommittees.
- iii. The Standing Committees and their composition [Except where highlighted in green, these provisions are drawn for the Subcommittee on Committee Structure and Topics.]
 1. [Drawn for the Subcommittee on Committee Structure and Topics]. Each Standing Committees and Subject-Matter Committees should have the same ratio of public members and legislative members as the full Commission, except partisan balance should be maintained.] [The Subcommittee on Education and Ethics recommends instead that
 - a. That the Standing Committees have eight members.
 - b. That the Standing Committees maintain the same ratio of public members and legislative members as the full Commission.

- c. That the party affiliation of the legislative members be taken into account only to the extent of ensuring that each party is represented in each Standing Commission.
- d. That the party affiliation of the public members not be taken into account.]

2. Standing Committees:

- a. *Organization and Administration:* This Committee will make recommendations to the Commission regarding budget, staffing, ethics, and procedural rules. It will also offer its recommendations [to the Commission as a whole] for new members as Commission members leave the Commission [Does this provision encroach on H.B. 188 (Ohio Rev. Code §103.630, which prescribes who is select to members to fill vacancies on the Commission?].
- b. *Public Information, Education, and Input:* This Committee will make recommendations to the Commission regarding
 - i. dissemination of information to the public regarding the Commission and its operation,
 - ii. education of the citizens of Ohio regarding the Commission's proposals, and
 - iii. receiving input from the public.
- c. *Liaison with Public Offices:* This Committee will provide information and maintain relations with all public offices reasonably affected, if at all, by a proposal from the Commission.
- d. *Coordinating Committee:*
 - i. This Committee

1. assign to each Subject-Matter Committee provisions of the Ohio Constitution it is to study, and
 2. will coordinate the study of the Ohio Constitution to ensure that the Subject Matter to ensure that the Subject-Matter Committees move forward with responses and viewpoints'
 3. To ensure that the work of the Subject-Matter Committees is conducted timely, efficient, and orderly way, this Committee may require Subject-Matter Committees to periodically report their progress.
- ii. All proposals received from the public proposing amendment to the Commission will be referred to this Committee.
1. This Committee will report to the Commission all proposals received from members of the Commission and from the public.
 2. If at least 13 members of the Commission vote in favor of the Commission studying a proposal, this Committee will assign the proposal a Subject-Matter Committee for study.
3. The Co-Chairs will name the chairman and vice-chairman of each committee. [Drawn from an analogous Rule of the 1970s Revision Commission.]
 4. The Co-Chairs will appoint members to the Standing Committees. Each member of the Commission will be designated to sit on one of the Standing Committees. [Drawn from an analogous Rule of the 1970s Revision Commission.]

iv. The Subject-Matter Committees and their composition . [Except where highlighted in green, these provisions are drawn for the Subcommittee on Committee Structure and Topics.]

1. Each Subject-Matter Committees should have the same ratio of public members and legislative members as the full Commission, except partisan balance should be maintained.] [The Subcommittee on Education and Ethics recommends instead that

- a. That the Subject-Matter Committees have as many members as the Commission, after recommendation of the Coordinating Committee, designates.
- b. To the extent that the size of the Subject-Matter Committees permit, maintain the same ratio of public members and legislative members as the full Commission.
- c. That for the legislative members of the Commission,
 - i. The total number of Committee assignments be the same for the legislators from each party;
 - ii. Each party have at least one legislative member assigned to each Committee;
 - iii. The difference in the number of legislative members of each party assigned to each committee never be more that one.
- d. That the party affiliation of the public members not be taken into account.]

2. Subject-Matter Committees:

- a. Bill of Rights and Voting,
- b. Legislative Branch,
- c. Education, Public Institutions, and Miscellaneous,
- d. Executive Branch,
- e. Judiciary and Administration of Justice
- f. Local Government,
- g. Finance, Taxation, and Economic Development,
- h. Constitutional Revision and Updates.

3. With the advice and consent of the Coordinating Committee, the Co-Chairs will (a) determine the size of each Standing Committee and (b) appoint members to the Subject-Matter Committees.

- a. Each member of the Commission will be designated to sit on at least one of the Subject-Matter Committees. [Drawn from an analogous Rule of the 1970s Revision Commission.]
 - b. In making the Subject-Matter Committee assignments, the Co-Chairs will take into consideration members' choice of Subject-Matter Committees in which the members have expressed interest.
4. Each Subject-Matter Committee will study (a) those provisions of the Ohio Constitution that the Coordinating Committee has assigned to it for study and (b) any proposals and suggestions received from members of the Commission or the public that the Coordinating Committee or the Commission has assigned to it for study.
5. Each of the Subject-Matter Committees will report its activities and its progress to the Coordinating Committee at intervals established by the Coordinating Committee.
6. [The Subcommittee recommends that – at some point – the Commission adopt Rules regarding the methods and procedures for the fact-finding sessions convened by the Commission and its Committees, including a provision that fact-finding sessions be conducted at various locations in the state.]
7. Each Subject-Matter Committee will report to the Commission the results of its study and any recommendation it may have regarding amendment of the Ohio Constitution.
- d. The Commission will follow the principles of drafting contained in the “Bill Drafting Manual” of the Ohio Legislative Service Commission.
4. Expenses. [Drawn from Ohio Rev. Code §103.64 and from the Recommendation of the Subcommittee on Staffing and Budget.]
 - a. Members of the Commission and its staff may obtain reimbursement for actual and necessary expenses, including travel, food, and lodging, they incur while engaging
 - i. in official duties, or
 - ii. in special research or study relating to the Constitution of Ohio.

- b. The Organization and Administration Committee will establish the procedure for seeking reimbursement. The travel-related items that are reimbursable and the reimbursement rates are:
 - i. Transportation expenses: Ohio Admin. Code § 126-1-2(C)(2)-(4);
 - ii. Food:
 - 1. Actual and necessary expense not to exceed
 - a. \$25 for breakfast,
 - b. \$35 for lunch, and
 - c. \$45 dinner.
 - 2. Notwithstanding the sums stated in (b)(1) above, the total reimbursable expense for food per day may not exceed \$90.
 - iii. Lodging: , Ohio Admin. Code § 126-1-2(F)(1).

5. Aspirational rules to guide the Commission and its Members:

- a. [Drawn from the Arkansas Revision Commission]The Commission hopes to receive every idea that anyone citizen of the state has regarding whether to change or preserve any part of the Constitution.
- b. [Drawn from the Arkansas Revision Commission] Members of the Commission should not make up our minds, either individually or as a commission, on which of the possibilities Members of the Commission will choose until Members of the Commission have had a reasonable time to study all of them and have made
 - i. a thorough preliminary study of the present Constitution with all its clauses and amendments, and
 - ii. some further analysis of public opinion in regard to what the citizens of Ohio want us to do.
- c. [Drawn from the Rules adopted by the 1970-77 Constitutional Revisions Commission] Unless the proposed changes serve to clarify an unresolved ambiguity in the current text, the Commission will avoid recommending changes solely for the purpose of improving language or arrangement unless the proposed changes serve the purposes of improving understanding, clarity, and logic of arrangement.
- d. [Drawn from the Rules adopted by the 1970-77 Constitutional Revisions Commission]Members of the Commission should commit themselves to listen to and to consider the opinions and interest of all participants in the proceedings of the Commission.

- e. Members of the Commission, when speaking outside of the Commission about matters that are or could be within the jurisdiction of the Commission, will speak only for themselves and not for the Commission. Members will not ascribe views or opinions to other members of the Commission.
 - f. [The following provision was drawn from the Rules adopted by the 1970-77 Constitutional Revisions Commission, but the Subcommittee on Education and Ethics does not recommend its inclusion in the Rules of Procedure and Conduct] Commissioners will not take a position for or against constitutional issues and questions other than [subjects than subjects on which] the Commission recommendations.
 - i. [Is this advisable? Do we want to keep from the General Assembly the dissenting views on proposals that the Commission has recommended? How could legislative members of the Commission abide that restriction?]
6. The Commission may from time to time amend or expand these Rules as provided herein.