

Co-Chair
Vernon Sykes, Representative
34th House District



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

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION
MINUTES
June 13, 2013

Senate Members

Larry Obhof, Majority
Whip

Bill Coley

Bob Peterson

Charleta B. Tavares

Michael J. Skindell

Capri S. Cafaro

House Members

Matt Huffman, Speaker
Pro Tempore

Ron Amstutz

Kathleen Clyde

Dennis Murray

Public Members

Janet Abaray

Herb Asher

Roger L. Beckett

Karla L. Bell

Paula Brooks

Douglas R. Cole

JoAnn Davidson

Patrick F. Fischer

Judith L. French

Edward L. Gilbert

Charles F. Kurfess

Larry L. Macon

Frederick E. Mills

Dennis P. Mulvihill

Chad A. Readler

Joseph P. Rugola

Richard R. Saphire

Bob Taft

Kathleen M. Trafford

Richard S. Walinski

Co-Chair Sykes called the meeting of the Ohio Constitutional Modernization Commission meeting to order at 3:08pm and asked staff to call the roll. The following members were present:

Janet Gilligan Abaray
Herb Asher
Roger L. Beckett
Paula Brooks
Rep. Kathleen Clyde
Douglas Cole
Sen. Bill Coley
Jo Ann Davidson
Patrick Fischer
Judith French
Edward Gilbert

Charles Kurfess
Dennis P. Mulvihill
Rep. Dennis Murray
Sen. Larry Obhof
Sen. Bob Peterson
Chad A. Readler
Richard B. Saphire
Sen. Michael Skindell
Rep. Vernon Sykes
Robert A. Taft
Sen. Charleta B. Tavares
Richard S. Walinski

Staff noted that communication regarding anticipated absences had been received from Senator Cafaro, Representative Huffman, Representative Amstutz, Larry Macon, and Joseph Rugola by the Co-Chairs prior to the meeting.

Co-Chair Sykes welcomed Senator Coley and Senator Peterson to the Commission replacing President Faber and Senator Widener. Senator Coley will be replacing President Faber on the Commission committees and Senator Peterson will be replacing Senator Widener on the Commission committees.

Co-Sykes asked the members to review and approve the minutes from the May 9, 2013 meeting. Without objection the minutes from the May meeting were approved.

Co-Chair Sykes recognized Janet Abaray for a report from the Judicial Branch and Administration of Justice Committee. Ms. Abaray indicated that the committee had two speakers at their meeting, Judge Mary Jane Trapp and William Weisenberg. Judge Trapp discussed the historic development of the Ohio Constitution and Mr. Weisenberg addressed the proposals put forth by the 1970's Revision Commission. Judge Fischer moved to accept the committee

report and Mr. Gilbert seconded the motion. Without objection, the committee report was accepted.

Co-Chair Sykes recognized Fred Mills for a report from the Legislative Branch and Executive Branch Committee. Mr. Mills indicated that the committee held its first meeting and discussed redistricting/apportionment, term limits and open meetings laws as items for future discussion. Representative Murray moved that the committee report be accepted and Speaker Davidson seconded the motion. Without objection, the committee report was accepted.

Co-Chair Sykes recognized Douglas Cole for a report of the Finance, Taxation & Economic Development Committee. The committee had two speakers present at their meeting, Greg Stype and Kurt Kauffman discussed public debt and public works. Chair Cole indicated that the committee will continue together background information and then proceed to discussing revisions of certain provisions.

Speaker Kurfess suggested bringing forth a “dead wood” amendment to clean up the constitution to avoid house keeping amendments later when controversial amendments are on the ballot. The Commission discussed this idea and it was suggested that an amendment such as this might waste the Commission’s capital and should be discussed again in the future.

Co-Chair Sykes asked the committees to identify the “dead wood” in their committees and submit those ideas to the Co-Chairs. The timing of the proposed amendments to deal with these issues will continue to be discussed.

Mr. Mulvihill moved to accept the report of the Finance, Taxation & Economic Development Committee and Ms. Trafford seconded the motion. Without objection, the committee report was accepted.

Co-Chair Sykes recognized Chad Readler for a report from the Education, Public Institutions, & Miscellaneous and Local Government Committee. Mr. Readler informed the Commission that the committee had three speakers attend their meeting, John Barron of the Ohio Casino Control Commission, Gregory Trout addressing Public Institutions, and Stephen Wilson from Ohio Rehabilitation Services Commission. The Chair indicated that the committee would be discussing local government at the July meeting and education at the August meeting.

Governor Taft moved to accept the committee report and Senator Skindell seconded the motion. Without objection the committee report was accepted.

Co-Chair Sykes recognized Dennis Mulvihill for a report of the Constitutional Revisions and Updating Committee. Mr. Mulvihill indicated that the committee had a presentation from the Attorney General’s office. The committee will be hearing the Secretary of State’s office at the July meeting and then begin the process of hearing from groups on both sides of the initiative and referendum process. The question the committee will be debating is whether or not to leave the system how it is, to make it harder or make it easier.

Justice French moved to accept the report of the Constitutional Revisions & Updating Committee and Dr. Asher seconded the motion. Without objection the committee report was accepted.

Co-Chair Sykes recognized Richard Walinski for a report of the Organization and Administration Committee. The Commission has been given the opportunity to gain offices on the 24th floor of the Vern Riffe Center free of charge. Members of the committee toured the space earlier in the day and the office has ample space for the staff the Commission intends to hire. There will be a charge for furnishing the space and DAS will be supplying estimates to the committee. The Commission has time to decide if they would like to take the office space. A decision will be made after the Commission budget is set by the Legislature.

The committee recommended that the Commission authorize the co-Chairs to extend the contract of Steve Steinglass for three months at the same rate and the quarterly cap of \$40,000. The scope of work for Mr. Steinglass would also be updated to include helping to hire staff and other needs as determined by the Commission.

The committee also recommended that the Commission fill five positions: Director, Senior Policy Advisor, Legal Counsel, Communications/Technology Director and Administrative Assistant. It is recommended that the Commission begin its search for an Executive Director. A subcommittee will be created in the future to search for an Executive Director and Rep. Clyde agreed to chair that committee once it is created. The search will commence with a posting of the position in a manner consistent with DAS requirements. The committee will be expanding upon the job description of the Executive Director at the next meeting.

Representative Clyde addressed the issue of LSC serving as the fiscal agent for the Commission and recommended that the Commission be independent and that the Co-Chairs work to correct this issue post haste.

Senator Skindell moved to accept the report of the Organization and Administration Committee and Mr. Gilbert seconded the motion. Without objection, the committee report was accepted.

Ms. Trafford moved to grant the Organization and Administration Committee authority to begin the search for an Executive Director with a salary range of \$85,000-\$140,000. Justice French seconded the motion. The committee hopes to have a recommendation at the September Commission meeting.

The Commission discussed the recommendation and a suggestion was made to combine the Communications Director and the Executive Director. Speaker Kurfess indicated that this position is the first to be filled and the Commission will make adjustments to the plan once the budget is finalized.

Senator Obhof objected to the motion and the staff called the roll. The motion was approved, 19-4 with Senator Obhof, Senator Coley, Senator Peterson and Roger Beckett voting in the negative.

Representative Clyde moved to give the Co-Chairs the authority to ensure the independence of Commission spending, by not being required to have the Chair of LSC sign off on all Commission expenditures. Ms. Trafford seconded the motion.

Representative Clyde informed the Commission that there are two ways to deal with this issue, one would be to have the Co-Chairs ask the Chair of LSC to not require their signature for Commission funds to be expended or take the necessary legislative steps to add a provision to the ORC indicating that no additional sign off is needed other than what the code currently requires.

A concern was raised about whether or not the Commission would need sign off from the State Auditor if option A was utilized to deal with this issue instead of a legislative fix.

Senator Obhof objected to the motion.

Speaker Davidson moved to amend the original motion to have the Co-Chairs discuss how to deal with the fiscal agent issue. Representative Clyde seconded the amendment to the motion. Without objection the amended motion was approved.

Mr. Mulvihill moved to extend Steve Steinglass' contract and Ms. Trafford seconded the motion. The contract would be extended for three months, keeping the current pay rate, adding a quarterly cap of \$40,000 and an update of the job description. Without objection, the motion was agreed to.

Co-Chair Sykes recognized Dr. Asher for a report of the Liaisons with Public Offices Committee. The committee had its first meeting and discussed the role of the committee and the definition of public offices. The committee will work with the Public Education Committee to ensure that public office holders are aware of the Commission's work. Dr. Asher moved to accept the report of the Liaisons with Public Offices Committee and Mr. Cole seconded the motion. Without objection the report of the committee was accepted.

Co-Chair Sykes recognized Roger Beckett for an update from the Public Education and Information Committee. Mr. Beckett indicated that the committee would come to the next Commission meeting with recommendations for regional hearings and a recommendation for obtaining testimony. Although written testimony should be encouraged, anyone should be permitted to testify before a committee or the Commission. Members of the committee will be meeting with the Ohio Historical Society and the Center for Law Related Education to brainstorm items for teachers to use in the classroom regarding the Constitution and the Commission.

Mr. Beckett and Lizz Eisaman from Speaker Batchelder's office met with the Legislative Information Systems (LIS) to discuss the Commission website and the services they can provide

to the Commission. LIS will be capable of providing the services the Commission requires without an additional cost. The committee approved a two step process to update the website. The first step will be obtaining and placing headshots and biographies of the public members of the Commission on the website. Members are asked to submit these items to the Co-Chair's offices.

The committee had three recommendations for the Commission. One, that the Co-Chairs draft an open letter to the public to be posted on the Commission's website and to also be sent to other groups and the press. Two, the Co-Chair record a PSA on the Commission's work for use on the website and possibly public access channels around the state. Three, the Commission approve the video taping of committee meetings and Commission meetings with links placed on the Commission website for the public to view.

Ms. Abaray moved to accept the report of the Public Education and Information Committee and Representative Murray seconded the motion. Without objection, the report of the Committee was accepted.

The Co-Chairs agreed to the first two recommendations and Senator Tavares moved to accept the recommendation of the committee to video tape the committee and commission hearings, with preference given to the subject matter committees over the standing committees and to give the Co-Chairs the authority to negotiate the process for video taping with OGT. Representative Clyde seconded the motion and the motion was accepted without objection.

Co-Chair Sykes recognized Mr. Mulvihill to report on behalf of Ms. Trafford for the Coordinating Committee. The Coordinating Committee will work with the Public Education and Information Committee on regional hearings and other issues that may overlap.

Co-Chair Sykes informed the members that LIS had created email addresses for each public member of the Commission and Representative Murray. Details for accessing the accounts was included in the folders and a memo will be sent out from the Co-Chairs regarding this matter.

Co-Chair Sykes updated the members on the current Commission budget and as of the June 13th, there is \$16,200 left. Any money remaining at the end of the fiscal year will roll over into the next fiscal year budget. The fiscal year 2014 and 2015 budget is being debated in conference committee and should be decided by June 30th.

Co-Chair Sykes recognized Dean Steinglass for an update on his work for the Commission. Dean Steinglass suggested that the committee meetings for July and August occur on successive days so that more time is available for the meetings.

Co-Chair Sykes asked if there was any further business to come before the Commission. Seeing none, the Commission adjourned at 4:46pm.

Speaker William Batchelder
Co-Chair

Rep. Vernon Sykes
Co-Chair