



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

Organization and Administration Committee

Mark Wagoner, Chair
Edward Gilbert, Vice-chair

September 10, 2015

West Meeting Rooms B & C, 31st Floor
Riffe Center for Government and the Arts

OCMC Organization and Administration Committee

Chair Mr. Mark Wagoner
Vice-chair Mr. Edward L. Gilbert
 Commissioner Paula Brooks
 Rep. Kathleen Clyde
 Mr. Douglas R. Cole
 Rep. Robert R. Cupp
 Speaker Charles F. Kurfess
 Sen. Michael Skindell



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION
ORGANIZATION AND ADMINISTRATION COMMITTEE

THURSDAY, SEPTEMBER 10, 2015
12:30 P.M.
WEST MEETING ROOMS B/C, 31ST FLOOR
RIFFE CENTER FOR GOVERNMENT AND THE ARTS

AGENDA

I. Call to Order

II. Roll Call

III. Approval of Minutes

- Meeting of September 11, 2014

[Draft Minutes – attached]

- Meeting of July 9, 2015

[Draft Minutes – attached]

IV. Presentation

- “Proposed Amendments to Rules of Procedure and Conduct”

Steven C. Hollon
Executive Director

[Memorandum by Steven C. Hollon titled “Proposed Amendments to Rules of Procedure and Conduct” dated August 31, 2015 – attached]

V. Committee Discussion

- Proposed Amendments to Rules of Procedure and Conduct

VI. Old Business

VII. New Business

VIII. Public Comment

IX. Adjourn



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE ORGANIZATION AND ADMINISTRATION COMMITTEE

FOR THE MEETING HELD
THURSDAY, SEPTEMBER 11, 2014

Call to Order:

Chairman Wagoner called to order the meeting of the Organization and Administration Committee at 9:24 a.m.

Members Present:

A quorum was not present with committee members Wagoner, Brooks, Clyde, and Tavares in attendance.

Topics Discussed:

OCMC Office Update

Executive Director Steven C. Hollon presented an update on the budget, furniture, and build out of office space, and an update on staff, work projects, and student interns.

Executive Director Hollon also gave a presentation on the proposed Guidelines for Research by Commission Legal Staff that were distributed to committee members. When asked what might happen if there are research issues that overlap with other committees Director Hollon replied he will notify the other committees if this occurs. When asked about the involvement of the Coordinating Committee in this process Director Hollon indicated he is going to meet with the Coordinating Committee chair to discuss. Upon inquiry, Director Hollon also indicated that staff is open to having a committee vice-chair submit research questions to staff as well as questions being submitted by committee chairs.

Temporary Recess:

The committee recessed at 9:46 a.m.

Reconvening of Meeting:

The committee reconvened at 1:24 p.m.

A quorum was present with committee member Cole joining members Wagoner, Brooks, Clyde, and Tavares in attendance.

Topics Discussed:

Rules of Procedure and Conduct

The Proposed Rules of Procedure and Conduct were discussed. Mr. Cole motioned for an amendment in Section 12.2(C). There was no opposition to the motion and Senator Tavares seconded the motion. Rep. Clyde motioned for an amendment in section 12.2 (A),(B),(C). There was no opposition to the motion and Senator Tavares seconded the motion.

Senator Tavares motioned for a vote on the Rules of Procedure and Conduct and Mr. Cole seconded the motion. The Rules of Procedure and Conduct were unanimously passed 5-0 by the committee.

Guidelines for Research by Commission Legal Staff

The committee reviewed the proposed research guidelines and, upon motion of the chair, they were approved by consensus.

Approval of Minutes:

The minutes of the July 10, 2014 meeting were adopted.

Adjournment:

With no further business before the committee, the meeting adjourned at 1:31 p.m.

Approval:

The minutes of the September 11, 2014 meeting of the Organization and Administration Committee were approved at the September 10, 2015 meeting of the committee.

Mark Wagoner, Chair

Edward Gilbert, Vice-chair*

*Mr. Gilbert replaced Pierrette Talley as vice-chair of the committee effective April 9, 2015. Although not a member of the committee on the date the meeting reflected in these minutes took place, he has signed above to reflect the committee’s approval of these minutes at its September 10, 2015 meeting.



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE ORGANIZATION AND ADMINISTRATION COMMITTEE

FOR THE MEETING HELD
THURSDAY, JULY 9, 2015

Call to Order:

Chair Mark Wagoner called the meeting of the Organization and Administration Committee to order at 11:35 a.m.

Members Present:

Chair Wagoner and committee members Cole, Cupp and Kurfess were in attendance.

Approval of Minutes:

The minutes of the September 11, 2014 meeting were not approved as a quorum was not present.

Presentation

Steven C. Hollon
Executive Director
Ohio Constitutional Modernization Commission

FY2016 Proposed Budget

Executive Director Steven C. Hollon appeared before the committee to present the FY 2016 Commission budget. Mr. Hollon said the Commission did receive an appropriation from the General Assembly.

Mr. Hollon then directed the committee to page seven of the meeting packet, and went over the line items of the budget with the committee. Chair Wagoner complimented Mr. Hollon and the work products of Senior Policy Advisor Steven H. Steinglass, Counsel Shari L. O'Neill, and the student interns. Chair Wagoner said "We can be proud of the work that is being done." He added that, without a quorum, the committee is not in a position to take a vote, and said approval

of the budget would have to wait until the next meeting. Mr. Hollon noted that by then he should have additional numbers to provide to the committee.

Mr. Hollon commented that the Commission is within budget for FY 2015, noting that office supplies ended up costing more than budgeted, but it was difficult to determine that number due to unknown start-up costs.

Mr. Hollon answered affirmatively to Chair Wagoner's question about whether there would be room for modest staff raises. Mr. Hollon said there is \$150,000.00 carry-over from the last budget, noting that he doesn't anticipate any personnel changes or additions. He said having the interns has been extremely helpful. The only cost to hosting them has been for parking at \$85 per month per intern. He noted the office is now fully furnished and the space configured. He said he is working on a new contract for Senior Policy Advisor Steinglass.

Rules of Procedure and Conduct

Mr. Hollon then moved on to the Commission Rules of Procedure and Conduct, describing proposed changes. He said the reason for the proposed changes is to reduce the timeline for approving reports and recommendations. He said there will not be a recommendation for a change to the constitutional provision in many cases, but that it nevertheless could take many months to approve a report and recommendation. He said that raises the question of whether two presentations are really needed for these reports and recommendations at both the committee and Commission level.

Representative Bob Cupp asked what the procedure currently is. Mr. Hollon explained the process leading to having a report and recommendation prepared.

Committee member Doug Cole asked for clarification about whether the procedure would be changed in the case of a proposed new constitutional provision, and Mr. Hollon said that procedure would remain the same.

Committee member Charles Kurfess directed the committee to Rule 10.2, wondering whether the same purpose would be obtained by changing the wording from "shall" to "may." He added that the meaning would then be that the Commission, rather than the co-chairs of the Commission, may make the decision. Chair Wagoner noted that change would be a good way to whip up some votes, and that he would support that change. It was decided that the recommendation would be that Rule 10.2(b), as highlighted in the draft rule provided in the meeting packet, would read "Commission" instead of "co-chairs," and that "co-chairs" would be stricken. Clarifying, Chair Wagoner said there essentially would be two votes. Mr. Kurfess added that the decision might be made to lay over the vote by the Commission due to attendance at a meeting where the question would come up. Mr. Cole said he understands it as a preliminary step, and suggested adding "made by motion," "elect to vote," or some other wording.

Mr. Hollon then suggested "the Commission, upon motion, may elect to ...," to which Mr. Cole said that would work.

Chair Wagoner then said the wording should be “the commission, upon motion, may elect to vote on a report and recommendation, or may take the matter under advisement.” He then asked staff to re-draft the rule for the next meeting.

Adjournment:

With no further business to come before the committee, the meeting adjourned at 12:00 p.m.

Approval:

The minutes of the July 9, 2015 meeting of the Organization and Administration Committee were approved at the September 10, 2015 meeting of the committee.

Mark Wagoner, Chair

Edward L. Gilbert, Vice-chair

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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MEMORANDUM

TO: Chair Wagoner, Vice Chair Gilbert, and Members of the
Organization and Administration Committee

FROM: Steven C. Hollon, Executive Director

DATE: August 31, 2015

RE: Proposed Amendments to the Rules of Procedure and Conduct

The Ohio Constitutional Modernization Commission, upon the recommendation of the Organization and Administration Committee, adopted Rules of Procedure and Conduct on September 11, 2014.

After operating under the rules for nearly one year, it appears that some of the rules could be tightened up to create a more efficient timeline in the adoption of proposed reports and recommendations. In addition, there are a few minor typographical and textual errors that should be corrected. The purpose of this memorandum is to review these proposed changes.

The remainder of this memorandum sets out a short summary of the rules to be amended and the reason why the amendment is being proffered. You will find a marked up version of the proposed amendments at Attachment A. In addition to being presented in legislative style with strike-through and underlining, I have highlighted the proposed changes in yellow so that you might find them more easily.

The following rules are proposed for amendment:

Rule 5.5

Rule 5.5 should be amended to correct the title of the committee from the Liaison with Public Offices Committee to the Liaisons with Public Offices Committee.

Rule 6.3

Rule 6.3 should be amended to delete reference to Ohio Constitution Article I, Section 16 as being assigned to the Bill of Rights and Voting Committee. This section, which deals with redress for injury and due process of law, has been assigned to the Judicial Branch and Administration of Justice Committee.

Rule 6.5

In a very minor change, Rule 6.5 should be amended to list the articles assigned to the Education, Public Institutions, and Local Government Committee in numerical order by listing Article XV (Miscellaneous) before Article XVIII (Municipal Corporations).

Rule 6.7

Rule 6.7 should be amended to add a reference to Ohio Constitution Article I, Section 16 as being assigned to the Judicial Branch and Administration of Justice Committee from the Bill of Rights and Voting Committee (see Rule 6.3 above).

Rule 8.1

Rule 8.1 should be amended to make clear that the committee assignments are first set by the rules, and then secondarily by the Coordinating Committee.

Rule 8.3

Rule 8.3 should be amended to allow a subject matter committee the option of shortening the time that it considers a proposed report and recommendation. As Rule 8.3 now reads, a subject matter committee must consider a proposed report and recommendation “for not less than two consecutive meetings.” This can be a lengthy timeline, especially with committees meeting every other month. The proposed amendment allows for a committee to potentially reduce this timeline, by now noting that the report and recommendation needs to be on the committee’s agenda “for at least one meeting.”

As you know, the reports and recommendations are only prepared after advance discussion by committees for at least one if not multiple meetings, and are usually prepared after a committee has taken a preliminary vote on whether it wishes to retain a constitutional provision as written or amend it in some way. Thus, there is ample opportunity for the public to monitor and comment upon the actions of the committee.

This amendment will help streamline the committee’s consideration of a report and recommendation without jeopardizing the public’s interest in following the deliberations or commenting on the actions of the committee.

Rule 10.2

Similarly to Rule 8.3, Rule 10.2 should be amended to allow the Commission the option of shortening the time it considers a proposed report and recommendation. Rule 10.2 now reads that following the first presentation of a report and recommendation, “the Commission shall take the matter under advisement until the next Commission meeting.” As with the timeline between

committee meetings noted in Rule 8.3, this can lengthen the time it takes to get a report and recommendation approved, especially if a Commission meeting is canceled. The proposed amendment permits the Commission to reduce this timeframe by allowing it, upon motion and vote, to either approve the report and recommendation after one reading or take the matter under advisement until the next Commission meeting.

This gives the Commission the discretion of advancing a proposed report and recommendation for a vote when there is a matter of little controversy, without having to wait for a second presentation.

Conclusion

The Organization and Administration Committee should recommend to the full Commission that these rules be amended as proposed.



Section 5.0 Standing Committees

Rule 5.1 Creation

The Commission shall maintain four standing committees as set forth in Rules 5.3, 5.4, 5.5, and 5.6. The Commission may form additional standing committees as required.

Rule 5.2 Membership

Each member of the Commission shall be assigned to sit on one standing committee.

Rule 5.3 Organization and Administration Committee

The Organization and Administration Committee shall serve as a standing committee for the purpose of making recommendations to the Commission and staff regarding budget, staffing, ethics, and rules.

Rule 5.4 Public Education and Information Committee

The Public Education and Information Committee shall serve as a standing committee for the purpose of making recommendations to the Commission and staff on how best to disseminate information to the public regarding the Commission and its operation, educate the citizens of Ohio regarding the Commission's proposals, and receive input from the public.

Rule 5.5 Liaisons with Public Offices Committee

The Liaisons with Public Offices Committee shall serve as a standing committee for the purpose of providing information and maintaining relations with all public offices reasonably affected, if at all, by any proposal or action of the Commission.

Rule 5.6 Coordinating Committee

The Coordinating Committee shall serve as a standing committee for the purpose of coordinating the study of the Ohio Constitution by each subject matter committee. In addition to the provisions of the Ohio Constitution assigned to each subject matter committee for review under Rules 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8, the Coordinating Committee may assign additional provisions or topics for a subject matter committee to review and consider. The Coordinating Committee may provide input to the co-chairs of the Commission for the purpose of developing the agenda for full Commission meetings.

Section 6.0

Subject Matter Committees

Rule 6.1 **Creation**

The Commission shall maintain six subject matter committees as set forth in Rules 6.3, 6.4, 6.5, 6.6, 6.7, and 6.8. The Commission may form additional subject matter committees as required.

Rule 6.2 **Membership**

Each member of the Commission shall be assigned to sit on two subject matter committees.

Rule 6.3 **Bill of Rights and Voting Committee**

The Bill of Rights and Voting Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of Article I (Bill of Rights) of the Ohio Constitution dealing with the rights of all, including Sections 1, 2, 3, 4, 6, 7, 11, 13, 14, 16, 17, 18, 19, 19b, 20, and 21. In addition, the Committee shall review the provisions of the Ohio Constitution dealing with voting rights, including all sections of Article V (Elective Franchise) and Article XVII (Elections).

Rule 6.4 **Constitutional Revision and Updating Committee**

The Constitutional Revision and Updating Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of the Ohio Constitution dealing with amending, revising and updating its provisions through initiative and referendum, including Sections 1, 1a, 1b, 1c, 1d, 1e, 1f, and 1g of Article II (Legislative) and all sections of Article XVI (Amendments).

Rule 6.5 **Education, Public Institutions, and Local Government Committee**

The Education, Public Institutions, and Local Government Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of the Ohio Constitution dealing with the topics of education, school funding, public institutions, county and township organizations, municipal corporations, home rule, and miscellaneous matters, as well as the general topics of adjoining regionalization and economic development, including all sections of Article VI (Education), Article VII (Public Institutions), Article X (County and Township Organizations), Article XV (Miscellaneous), and Article XVIII (Municipal Corporations), ~~and Article XV (Miscellaneous).~~

Rule 6.6 **Finance, Taxation, and Economic Development Committee**

The Finance, Taxation, and Economic Development Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of the Ohio Constitution dealing with the topics of public debt, public works, finance, taxation, and corporations, as well as the general topics of tax reform and statewide economic development, including all sections of Article VIII (Public Debt and Public Works), Article XII (Finance and Taxation), and Article XIII (Corporations).



Rule 6.7 Judicial Branch and Administration of Justice Committee

The Judicial Branch and Administration of Justice Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of Article I (Bill of Rights) of the Ohio Constitution dealing with all rights under justice, including Sections 5, 8, 9, 10, 10a, 12, 14, 15, **16.** and 19a. In addition, the Committee shall review the provisions of the Ohio Constitution dealing with the judicial branch of Ohio government, as well as the general topics of judicial organization, the criminal and civil justice systems, and the rights of the criminally accused, including all sections of Article IV (Judicial).

Rule 6.8 Legislative Branch and Executive Branch Committee

The Legislative Branch and Judicial Branch Committee shall serve as a subject matter committee for the purpose of reviewing the provisions of the Ohio Constitution dealing with the legislative branch and executive branch of Ohio government, the militia, apportionment and districting, term limits, and livestock care standards, as well as the general topic of global, statewide, and regional economic development, including Sections 2 through 42 of Article II (Legislative), Article III (Executive), Article IX (Militia), Article XI (Apportionment), Article XIV (Livestock Care Standards Board).

Section 8.0 Review of Existing Constitutional Provisions

Rule 8.1 Review by Subject Matter Committee

To facilitate the full examination of the Ohio Constitution by the Commission, each subject matter committee shall review every section of the Ohio Constitution as assigned to it by **these rules and, when required**, the Coordinating Committee, and issue a report and recommendation to the Coordinating Committee as to whether the section should be amended in whole or in part, deleted in whole or in part, or whether no change should be made.

Rule 8.2 Report and Recommendation

(A) A report and recommendation as issued by a subject matter committee regarding existing sections of the Ohio Constitution shall include (i) a summary of the history and meaning of the current section, (ii) a plain language summary of any proposed amendment, (iii) copies of all materials, testimony and other documents relied upon by the committee in preparing the report and recommendation, and (iv), as fully as necessary to provide for a thorough understanding of the examination which it undertook in review of the section, the rationale for its recommendation.

(B) For the purpose of clarity and at the discretion of the subject matter committee, a report and recommendation may be issued for (i) each section of an article of the constitution, (ii) all sections contained within the same article, or (iii) sections contained in separate articles provided the subject matter of the material in each section is reasonably related to the same topic.

Rule 8.3 Agenda

Before voting to approve a report and recommendation regarding existing sections of the Ohio Constitution, a subject matter committee shall place the proposed report and recommendation on its written agenda for **not less than two consecutive meetings at least one meeting** for the purpose of allowing discussion by committee members and to receive comment from the public. The report and recommendation shall also be made available on the Commission's website as part of the notice of the meeting for the subject matter committee.

Rule 8.4 Legislative Style; Joint Resolution Style

When considering a report and recommendation that includes a proposal to amend a section in whole or in part or delete a section in whole or in part, a subject matter committee shall have the proposed section prepared in legislative style and joint resolution style. Subject matter committees shall work with Commission staff and, if appropriate, the Legislative Services Commission to assist in formatting the language in the appropriate styles.

Rule 8.5 Majority Vote

A report and recommendation prepared pursuant to Rule 8.2 may only be approved by affirmative vote of a majority of the members constituting the subject matter committee taken by roll call vote and recorded in the minutes of the meeting at which the vote was cast.

Rule 8.6 Review by Coordinating Committee

Upon receipt of a report and recommendation from a subject matter committee, the Coordinating Committee shall review the report and recommendation to determine if it meets the requirements of Rules 8.2 and 8.4. If the Coordinating Committee finds the report and recommendation to be complete, it shall forward the report and recommendation to the Commission co-chairs for the purpose of placing the matter on the agenda at a future Commission meeting. If the Coordinating Committee finds the report and recommendation not to be complete, it shall return the matter to the subject matter committee for further consideration.



Section 10.0 Action by Commission

Rule 10.1 Agenda

Upon receipt of a report and recommendation from the Coordinating Committee, as issued by a subject matter committee, the Commission co-chairs shall place the matter upon the written agenda for a future Commission meeting. The proposed report and recommendation shall also be made available on the Commission's website as part of the notice of the Commission meeting.

Rule 10.2 Presentation to Commission

(A) When the report and recommendation of a subject matter committee is placed upon the agenda for a Commission meeting, the Commission co-chairs shall require the chair of the subject matter committee that has issued the report and recommendation to present an oral summary of the report and recommendation to the Commission members.

(B) Following the oral summary, the Commission co-chairs shall allow an opportunity for public testimony regarding the report and recommendation. Following the presentation of an oral summary and any public testimony, the Commission, **upon motion, may elect to vote on the report and recommendation or shall** take the matter under advisement until the next Commission meeting.

Rule 10.3 Action by Commission

At the Commission meeting following the meeting at which the chair of the subject matter committee presented an oral summary of a report and recommendation and an opportunity for public testimony was provided, the Commission may take any one of the following actions:

(A) If the report and recommendation of a subject matter committee finds that an existing section or sections of the Ohio Constitution should not be changed, the report and recommendation may be approved by affirmative vote of seventeen members of the members constituting the Commission taken by roll call vote as recorded in the minutes of the meeting at which the vote was cast.

(B) If the report and recommendation of a subject matter committee finds that an existing section or sections of the Ohio Constitution should be amended by the addition to or deletion from language contained in the existing section, the report and recommendation may be approved by affirmative vote of twenty-two members of all members constituting the Commission taken by roll call vote and recorded in the minutes of the meeting at which the vote was cast.



(C) If the report and recommendation of a subject matter committee finds that a proposed amendment to the Ohio Constitution as submitted pursuant to Rule 9.1 should be adopted, the report and recommendation may be approved by affirmative vote of twenty-two members of all members constituting the Commission taken by roll call vote and recorded in the minutes of the meeting at which the vote was cast.

(D) Table the report and recommendation until the next meeting of the Commission.

(E) Refer the report and recommendation to the subject matter committee which issued the report and recommendation for further consideration or action.

Rule 10.4 Referral to General Assembly

If the Commission votes to adopt a report and recommendation of a subject matter committee pursuant to Rule 10.3 that finds a section or sections of the Ohio Constitution should be amended by the addition to or deletion from language contained in the existing section or sections or that a proposed new amendment should be adopted, the Commission co-chairs shall present the report and recommendation as approved by the Commission to the President of the Senate and Speaker of the House of Representatives by filing it with the clerk of each respective chamber of the Ohio General Assembly.



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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

Remaining 2015 Meeting Dates

October 8

November 12

December 10

2016 Meeting Dates (Tentative)

January 14

February 11

March 10

April 14

May 12

June 9

July 14

August 11

September 8

October 13

November 10

December 8