



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

Organization and Administration Committee

Mark Wagoner, Chair
Edward Gilbert, Vice-chair

November 10, 2016

Ohio Statehouse
Room 018

OCMC Organization and Administration Committee

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

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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

ORGANIZATION AND ADMINISTRATION COMMITTEE

THURSDAY, NOVEMBER 10, 2016

12:30 P.M.

OHIO STATEHOUSE ROOM 018

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
 - Meeting of September 8, 2016
[Draft Minutes – attached]
- IV. Committee Discussion
 - Rules of Procedure and Conduct, Rules 5.3, 5.4, 5.5, and 5.6 – Standing Committees
[Copy of Section 5.0 of the Rules of Procedure and Conduct – attached]
[Memorandum by Steven C. Hollon titled “OCMC Standing Committees,” Dated July 7, 2016 – attached]
- V. Old Business
- VI. New Business
- VII. Public Comment
- VIII. Adjourn

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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE ORGANIZATION AND ADMINISTRATION COMMITTEE

FOR THE MEETING HELD
THURSDAY, SEPTEMBER 8, 2016

Call to Order:

Vice-chair Ed Gilbert called the meeting of the Organization and Administration Committee to order at 12:45 p.m.

Members Present:

A quorum was present with Vice-chair Gilbert and committee members Clyde, Cupp, Kurfess, and Skindell in attendance.

Approval of Minutes:

The minutes of the September 10, 2015 and July 14, 2016 meetings of the committee were approved.

Discussion:

Vice-chair Gilbert recognized Steven C. Hollon, executive director, to explain proposed changes to the Ohio Constitutional Modernization Commission Rules of Procedure and Conduct. Mr. Hollon indicated this was the committee's second presentation on a suggestion to alter the rules to reduce from 21 to 17 the number of Commission members needed to form a quorum for the purpose of conducting business. Mr. Hollon explained the change does not alter the number needed to recommend a change to the constitution, but instead would alter the number required to approve minutes and conduct other business. Mr. Hollon identified that the proposed change, if adopted, would alter Rule 3.9.

Mr. Hollon continued that the committee also is considering a proposal to reduce the number of standing committees, and to reorganize the standing committees to better facilitate their functions. He said a primary feature of the proposal would be to combine the Public Education and Information Committee with the Liaisons with Public Offices committee, renaming it the Public Information and Liaisons with Public Offices Committee. Mr. Hollon noted the two

current committees meet jointly, so it made sense to combine them. Mr. Hollon also described proposed changes to the Coordinating Committee that would substitute current members with the chairs of each subject matter committee. Finally, Mr. Hollon noted a suggested change to the Organization and Administration Committee that would add two members in order to distribute all members of the Commission among the reduced number of standing committees. Mr. Hollon identified that the proposed change, if adopted, would alter Rules 5.3, 5.4, 5.5, and 5.6.

Mr. Hollon indicated the proposed change to Rule 3.9 was slated to be on the agenda for the full Commission later that day as a first presentation, with the proposed changes to Rules 5.3 through 5.6 to be presented at a future Commission meeting, should they be approved by the committee.

Vice-chair Gilbert then asked if committee members had questions about the proposed changes.

Representative Bob Cupp asked what percentage of the whole Commission is represented by the number 17. Mr. Hollon said this would be 50 percent plus one. He noted that to recommend a change to the constitution the Commission would still require 22 affirmative votes.

Rep. Cupp asked, if only 17 members attend the Commission meeting, constituting a quorum, whether a majority of the quorum can conduct the business of the Commission. Mr. Hollon noted that Rule 3.11 would remain unchanged, requiring the affirmative vote of 17 members in order to take action or approve any question pending before the Commission.

Committee member Charles Kurfess wondered if the rule would continue to be that a simple majority of the full Commission can approve any recommendation of no change. Mr. Hollon said that was the case. Mr. Kurfess continued, expressing the concern that a recommendation for no change could be as substantial as a recommendation for change, giving those who are arguing on the side of the status quo a distinct advantage. Mr. Hollon clarified that the rule has always been that a simple majority is required for a vote of no change. Vice-chair Gilbert said that is not the precise issue being considered by the committee with regard to this proposal.

Representative Kathleen Clyde said she thought this discussion had nothing to do with votes required on actual review of constitutional provisions, including a no change vote. Mr. Hollon agreed with Rep. Clyde's assessment, continuing that the recommendation of a committee on any issue is a simple majority. Then, he said, the question goes to the full Commission, which must have 17 votes to approve no change. He noted that has always been the rule, and the current proposal does not recommend a change to that rule. He said, instead, the proposal is simply to require that there be a quorum to start the meeting.

Vice-chair Gilbert asked for a motion, and Rep. Cupp so moved. Rep. Clyde seconded the motion. A voice vote was taken, and, there being no opposition, the motion passed.

The committee then discussed proposed changes to Section 5 of the Rules. Vice-chair Gilbert said, as he understands it, the change would result in there being three, instead of four, standing committees. Mr. Hollon agreed, saying the combination of two committees was because they always met together.

Vice-chair Gilbert asked what the new membership of the committees would be. Mr. Hollon said membership would be up to the new co-chairs of the joint committee. He continued that the membership of the Organization and Administration Committee would be a little larger, and that the Coordinating Committee would be revised because it acts as the executive committee of the organization. He said, as a result, the proposal is that the chairs of each of the subject matter committees would be on the Coordinating Committee.

Vice-chair Gilbert noted that, because one member had left the meeting, there was no longer a quorum, and so approving proposed changes to Rules 5.3, 5.4, 5.5, and 5.6 would be tabled until the next meeting.

Adjournment:

There being no further business to come before the committee, the meeting was adjourned at 1:00 p.m.

Approval:

The minutes of the September 8, 2016 meeting of the Organization and Administration Committee were approved at the November 10, 2016 meeting of the committee.

Mark Wagoner, Chair

Edward L. Gilbert, Vice-chair

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OCMC Rules of Procedure and Conduct

Section 5.0 Standing Committees

Rule 5.1 Creation

The Commission shall maintain ~~four~~ three 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 and Liaisons with Public Offices Committee

The Public ~~Education~~ and Information and Liaisons with Public Offices 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, and provide information and maintain relations with all public offices reasonably affected, if at all, by any proposal or action of the Commission.

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.

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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MEMORANDUM

TO: Chair Mark Wagoner, Vice-chair Ed Gilbert, and
Members of the Organization and Administration Committee

FROM: Steven C. Hollon, Executive Director

DATE: July 7, 2016

RE: OCMC Standing Committees

The purpose of this memorandum is to explore how the four standing committees of the Ohio Constitutional Modernization Commission (Commission) might be restructured to provide for greater efficiency in their operation.

Coordinating Committee

The Coordinating Committee has perhaps the most important role of the standing committees. It operates in many ways as the executive committee for the Commission. One of its duties is to review the reports and recommendations issued by each of the subject matter committees for form and completeness. In addition, pursuant to Rule 5.6 of the Commission's Rules of Procedure and Conduct, the committee concerns itself with coordinating the study of the constitution by each subject matter committee, assigning additional provisions or topics of study, and providing input to the Commission co-chairs for the purpose of developing agendas for Commission meetings. Because of these duties, this committee has met more often than any of the other standing committees.

Current Members

There are eight members of the Coordinating Committee, as follows:

- Trafford(D) Chair
- Davidson(R) Vice-chair
- Coley(R) Senate
- Jordan(R) Senate
- Sykes(D) House

- Abaray(D) Committee chair (Judicial Branch and Administration of Justice)
- Mulvihill(D) Committee chair (Constitutional Revision and Updating)
- Fischer(R) Committee vice-chair (Judicial Branch and Administration of Justice)

The committee has equal representation from each political party, including two senators and one representative, two subject matter committee chairs, and one subject matter committee vice-chair.

Possible New Membership

After reviewing the operation of this and the other standing committees, the Organization and Administration Committee may wish to consider recommending that the Coordinating Committee be restructured to increase its membership from eight to 12, and include the following members:

- Trafford(D) Chair
- Davidson(R) Vice-chair
- Commission co-chair
- Commission co-chair
- Member of the Senate
- Member of the House
- Abaray(D) Committee chair (Judicial Branch and Administration of Justice)
- Mulvihill(D) Committee chair (Constitutional Revision and Updating)
- Cole(R) Committee chair (Finance, Taxation, and Economic Development)
- Mills(R) Committee chair (Legislative Branch and Executive Branch)
- Readler(R) Committee chair (Education, Public Institutions, and Local Government)
- Sapphire(D) Committee chair (Bill of Rights and Voting)

If this structure is approved, the Coordinating Committee would retain its current chair and vice-chair (Trafford and Davidson) and add the Commission co-chairs (Tavares and Amstutz) to the committee. If the Organization and Administration Committee recommends adding the Commission co-chairs to the Coordinating Committee, then the Organization and Administration Committee may also wish to recommend that one Senator and one Representative from the opposite political parties of the Commission co-chairs be added to the committee for political and chamber balance.

In addition, the Organization and Administration Committee may also wish to add as members the four chairs of the other subject matter committees who are currently not members of the committee.

In total, this new structure would add six new members and would drop off two members. There would be an equal number of representatives from each political party and there would be four legislative members.

Since this committee concerns itself with the tasks of coordinating the study of the constitution by each subject matter committee, plus the assignment of additional provisions or topics for

study, and the provision of input to the Commission co-chairs for the purpose of developing the agenda for Commission meetings, it seems the Commission co-chairs and the committee chairs should be at the same table to discuss these issues. Also, by increasing the committee membership total from eight to 12, it will increase the possibility of achieving a quorum for each meeting since the Commission co-chairs and committee chairs have an increased likelihood of attending meetings due to their responsibilities as Commission and committee leaders.

Organization and Administration Committee

The Organization and Administration Committee is responsible for making recommendations to the Commission regarding budget, staffing, ethics, and rules.

Current Members

The committee consists of the following eight members:

- Wagoner(R) Chair
- Gilbert(D) Vice-chair
- Skindell(D) Senate
- Clyde(D) House
- Cupp(R) House
- Brooks(D) Public Member
- Cole(R) Public Member
- Kurfess(R) Public Member

The committee currently consists of an even number of members from each political party, with four from each party. It also has one senator as a member and two representatives as members, with three members from the public.

Potential New Membership

If the Organization and Administration Committee recommends reducing the number of standing committees from four to three, then, as part of the restructuring, it may also wish to consider increasing the membership of its own committee from eight to ten and include the following members:

- Wagoner(R) Chair
- Gilbert(D) Vice-chair
- Member of the Senate
- Member of the Senate
- Member of the House
- Member of the House
- Public Member
- Public Member
- Public Member
- Public Member

If this idea is looked upon with favor, the Organization and Administration Committee could recommend retaining its current chair and vice-chair (Wagoner and Gilbert). It could then add one senator to the existing senator already on the committee, retain both House members, and have four members of the public.

Public Information and Liaisons with Public Offices Committee

The Organization and Administration Committee may also wish to recommend that the Public Education and Information Committee and the Liaisons with Public Offices Committee be combined into one committee known as the Public Information and Liaisons with Public Offices Committee.

Pursuant to Rule 5.4, the current Public Education and Information Committee, is charged with making recommendations to the Commission on how best to disseminate information to the public regarding the Commission and its operation, educating the citizens of Ohio regarding the Commission's proposals, and receiving input from the public. According to Rule 5.5, the Liaisons with Public Offices Committee is responsible for providing information to and maintaining relations with public offices reasonably affected by any proposal of the Commission.

Current Members

The Public Education and Information Committee consists of the following eight members:

- Beckett(R) Chair
- Macon(D) Vice-chair
- Peterson(R) Member of the Senate
- Sawyer(D) Member of the Senate
- Curtin(D) Member of the House
- Jacobson(R) Public Member
- Readler(R) Public Member
- Sapphire(D) Public Member

The Liaisons with Public Offices Committee consists of the following eight members:

- Asher(D) Chair
- Taft(R) Vice-chair
- Tavares(D) Senate (Commission Co-chair)
- Amstutz(R) House (Commission Co-chair)
- McColley(R) Member of the House
- Bell(D) Public Member
- Mills(R) Public Member
- Talley(D) Public Member

The breakdown of committee members on each of these committees is consistent with the other standing committees. There are an equal number of members from each political party on each of the two committees, and each committee has an equal number of public members. There are also three legislative members on each committee, with one committee having two senators and one representative, and the other committee having one senator and two representatives.

Since January 2014, these two committees have met jointly seven times. They have not met independent of one another in that time period. For all intents and purposes, the two committees operate as one. For that reason, the Organization and Administration Committee may wish to recommend to the full Commission that the two committees be combined into one committee to be known as the Public Information and Liaisons with Public Offices Committee.

Potential New Membership

The newly formed committee could consist of the following ten members:

- Asher(D) Co-chair
- Beckett(R) Co-chair
- Member of the Senate
- Member of the Senate
- Member of the House
- Member of the House
- Public Member
- Public Member
- Public Member
- Public Member

The combined membership of the current two separate committees totals sixteen, while the membership of the proposed new committee would consist of ten. The potential new membership of the new combined committee is listed above. The new membership shows a reduction of six members.

If the Organization and Administration Committee recommends that the total number of standing committees be reduced from four to three, this would create an odd number of chair opportunities, which would create an imbalance between the parties. To resolve that difficulty, the committee may wish to propose that the chairmanship of a new Public Information and Liaisons with Public Offices Committee be exercised as a co-chairmanship. This is how the combined meetings of the committees have been conducted in the past, so to adopt this would merely take the past practice and adopt it into formal status.

Conclusion

The Organization and Administration Committee may wish to make a formal recommendation to the full Commission to revise the Commission's Rules of Procedure and Conduct to reflect these changes.



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

2016 Meeting Dates

December 8

2017 Meeting Dates

January 12

February 9

March 9

April 13

May 11

June 8

July 13

August 10

September 14

October 12

November 9

December 14