OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES OF THE
LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

FOR THE MEETING HELD
THURSDAY, MAY 14, 2015

Call to Order:

Chair Fred Mills called the meeting of the Legislative Branch and Executive Branch Committee to order at 11:10 a.m.

Members Present:

A quorum was present with committee members Mills, Brooks, Curtin, Manning, Taft, Talley and Trafford in attendance.

Approval of Minutes:

The minutes of the April 9, 2015 meeting of the committee were approved.

Presentations:

"Article II Issues"

Steven H. Steinglass
Senior Policy Advisor

Senior Policy Advisor Steven H. Steinglass provided an overview and history of sections in Article II that the committee might wish to review, with the exception of Sections 1 and 1a – 1g which were assigned to the Constitutional Revision and Updating Committee; Section 2 (Election and Term of State Legislators) for which the committee recently approved a report and recommendation to extend existing term limits for state legislators from eight years to twelve years; and Section 20 (Term of Office and Compensation of Members) which would create a public office compensation commission.

Sections of Article II that may be of particular interest include Section 5 (Embezzlers Holding Public Office) and Section 15(D) (One-Subject Requirement). Regarding Section 5, the

committee may want to review the continued presence in the constitution of a provision specifically barring only those convicted of embezzlement from holding "any office in this state" as Article V, Section 4 gives the General Assembly the power to exclude from the privilege of voting, or of being eligible to office, any person convicted of a felony." Thus, with the exception of the special provision for "embezzlers," the right to serve in the General Assembly (and in other public offices) tracks the right to vote. The committee may also want to examine the relationship of the embezzlement provisions with other provisions dealing with eligibility for service in public office.

Article II, Section 15(D) provides that "[n]o bill shall contain more than one subject, which shall be clearly expressed in its title." This provision has been the subject of much litigation during the last 35 years, including an important case now pending before the Ohio Supreme Court. *See State ex rel. Ohio Civil Service Employees Association v. State*, No. 2014-0319 (accepting discretionary appeal and cross appeal of a Tenth District Court of Appeals decision holding that a claim that prison privatization provisions in the budget bill stated a claim for a violation of the "one subject" rule and remanding the case for further proceedings and a determination of the appropriate relief) (to be argued May 20, 2015). *See State ex rel. Ohio Civil Service Employees Association v. State*, 2 N.E.3d 304, 2013-Ohio-4505 (2013).

At the conclusion of Mr. Steinglass's presentation Chair Mills suggested the committee have a discussion about which issues merit attention, and to identify the committee's priorities going forward based on this information.

Chair Mills then asked Mr. Steinglass about the provision in Article II, Section 4, which was revised in the 1970s, regarding holding dual office. Chair Mills said he thinks the intent of the provision was to allow those who were notaries public to be able to continue to serve in the General Assembly, but he does not think governors can serve as a governor and as a notary public and wonders if the committee could look at that issue. He also asked when Nebraska created a unicameral legislature. Mr. Steinglass answered he thinks it may have been in the 1930s. Committee member Rep. Mike Curtin said Nebraska adopted a unicameral legislature in 1937, as approved by voters.

Committee member, former governor, Bob Taft asked why Article II, Section 26 has an exception for public schools. Mr. Steinglass answered that he has information on this issue and will do a presentation on this topic.

Commission member Vice Chair Paula Brooks also asked about Section 26 (Legislative Submissions/Referenda) indicating that she would like to know if other states have a similar provision. Specifically, she is wondering if Maryland might have this provision. Mr. Steinglass said he would look into this.

Reports and Recommendations:

Article II, Section 2 (Election and Term Limits of State Legislators)

Chair Mills then recognized Executive Director Steven C. Hollon, who had a question for the committee regarding its approval, at the April meeting, of two separate reports and recommendations regarding Article II, Section 2 (term limits). Director Hollon asked whether the committee would like to combine the two separate reports and recommendations, which set out two different options for amending the term limits contained in Article II, Section 2, into one report and recommendation. Chair Mills said that the idea is now that both options will go separately and that the committee would let the full Commission combine the options into one report and recommendation if that is the Commission's preference. Chair Mills said he is not sure the committee needs further votes on this.

Chair Mills then acknowledged individuals who were present for the purpose of testifying on the issue of extending term limits.

Chair Mills recognized Ray Warrick, who is the owner of Business Resource Associates, an advisory resource for small businesses, and the fiscal officer for Hamilton Township, located in Warren County, Ohio. Mr. Warrick said he has filed paperwork with the Secretary of State to start a Political Action Committee called "Eight is Enough Ohio." The PAC will be challenging the proposed expansion of legislative term limits. Mr. Warrick said that in private sector, businesses that do not attend to customers will not be successful. However, on the government side, customers can be ignored. Individuals who serve in government work for the taxpayers and must keep their interests foremost. He continued saying the majority of taxpayers of Ohio are not in favor of expanding term limits. The previous fiscal officer had been in office for 33 years. After the community became aware of numerous accounting errors made, the fiscal officer resigned. Mr. Warrick was then appointed fiscal officer for his township. After an audit was conducted by the State Auditor, the township was placed in fiscal emergency. Mr. Warrick said this was a good example of what can happen when there are no term limits. Mr. Warrick requested the Commission consider this in coming to a conclusion regarding expanding term limits.

Chair Mills thanked Mr. Warrick for his remarks and opened the floor for questions. Rep. Curtin commented that, in Ohio, there are term limits for all state officeholders and state legislators, and there are a few cities which have term limits for officers, but most do not. Rep. Curtin asked whether Mr. Warrick's support for term limits extends to township trustees or other local government officials. Mr. Warrick answered "absolutely."

Chair Mills then recognized Phillip Blumel, who is President of U.S. Term Limits, a grassroots lobbying organization. Mr. Blumel said that special interests and lobbyists are offering money to pay for campaigns against term limits. He said Ohio's term limits are already loose by national standards. He continued by saying that term limits encourage transparency in government. He said eight-year term limits are the most common in the nation and has become the American standard. He emphasized that there is no call for expanded term limits for Ohio

legislators. Mr. Blumel urged the committee to respect Ohio voters and stand down from this proposal. He then invited questions from the committee.

Chair Mills asked about Mr. Blumel's use of the term "special interest," and whether he would consider U.S. Term Limits a "special interest" group. Mr. Blumel answered in the affirmative.

There being no further questions for Mr. Blumel, Chair Mills then directed the committee to other items on the agenda.

Committee Discussion:

Sub. SJR 1 – Public Office Compensation Commission

Chair Mills asked if anyone present wanted to provide testimony on the Public Official Compensation Commission resolution, Sub. SJR 1, which is currently pending in the General Assembly. There were no responses.

HJR 2 - Congressional Redistricting

Chair Mills asked if anyone present wanted to provide comments regarding the congressional redistricting resolution, HJR 2, which is pending in the House. Rep. Kathleen Clyde and Rep. Mike Curtin made a presentation to the committee on this issue at the April meeting. Professor Richard Gunther from the Ohio State University Political Science Department indicated that he will have formal testimony on that subject at the next meeting of the committee.

Adjournment:

There being no new or old business to come before the committee, Chair Mills said the committee will meet next month to discuss congressional redistricting, as well as to get input from committee members about their preferences in terms of future topics to be taken up by the committee. The meeting adjourned at 12:05 p.m.

Attachments:

- Notice
- Agenda
- Roll call sheet

Approval:

These minutes of the May 14, 2015 meeting of the Legislative Branch and Executive Branch Committee were approved at the June 11, 2015 meeting of the committee.

/s/ Frederick E. Mills	*/s/ Paula Brooks*
Frederick E. Mills, Chair	Paula Brooks, Vice-Chair