

Co-Chair
Charleta B. Tavares
Assistant Minority Leader
15th Senate District



Co-Chair
Ron Amstutz
Speaker Pro Tempore
1st House District

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

MINUTES FOR THE MEETING HELD THURSDAY, NOVEMBER 10, 2016

Call to Order:

Co-chair Ron Amstutz called the meeting of the Ohio Constitutional Modernization Commission ("Commission") to order at 1:39 p.m.

Members Present:

A quorum was present with Commission Co-chairs Amstutz and Tavares, and Commission members Abaray, Beckett, Bell, Clyde, Cole, Cupp, Curtin, Davidson, Gilbert, Jacobson, Jordan, Kurfess, McColley, Mills, Mulvihill, Peterson, Readler, Sawyer, Skindell, Sykes, Taft, Trafford, and Wagoner in attendance.

Approval of Minutes:

The minutes of the October 13, 2016 meeting of the Commission were reviewed and approved.

Rules of Procedure and Conduct:

Co-chair Amstutz recognized Mark Wagoner, chair of the Organization and Administration Committee, to provide a first presentation of a proposal to change the Ohio Constitutional Modernization Commission Rules of Procedure and Conduct. Mr. Wagoner reported that the committee unanimously voted in favor of a proposal to change Rules 5.4 and 5.5 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. He said the reason for the recommended change is that the two committees largely meet together, so that combining them is more efficient.

Co-chair Amstutz asked for comments or questions from Commission members and the public, and there were none. He said the Commission is required to have two presentations on the proposal, so it will be addressed again at the next Commission meeting.

Subject Matter Committee Reports:

Judicial Branch and Administration of Justice Committee

Janet Abaray, chair of the Judicial Branch and Administration of Justice Committee, reported that, at its meeting earlier, Morris Murray, Defiance County prosecutor, appearing on behalf of the Ohio Prosecuting Attorneys Association, advocated for retaining the grand jury procedure in its current form. Ms. Abaray said Mr. Murray agreed that, to the extent a grand jury witness is later called to testify at trial, the grand jury transcript should be available to defense counsel as to that witness. She said the committee thought that was an important point. Ms. Abaray said the committee continued to consider the concept of a grand jury legal advisor as it is used in Hawaii, as well as other ways to improve public confidence in the process and to provide transparency. Ms. Abaray said the remainder of the meeting included a presentation by Richard Walinski and Commission member Mark Wagoner on their proposal to modify the Modern Courts Amendment. She said Mr. Walinski and Mr. Wagoner have a proposal that would clarify the roles of the Supreme Court of Ohio and the General Assembly as to rulemaking authority.

Legislative Branch and Executive Branch Committee

Fred Mills, chair of the Legislative Branch and Executive Branch Committee, reported that his committee would be meeting later to hear a presentation by Steven Huefner, law professor at the Ohio State University Moritz College of Law, as the committee continues its review of Article II relating to the Legislative Branch.

Finance, Taxation, and Economic Development Committee

Doug Cole, chair of the Finance, Taxation, and Economic Development Committee, reported that the committee has voted to issue a report and recommendation for no change to Article VIII, Sections 2l, 2m, 2n, 2o, 2q, 2r, and 2s, related to public debt, and that this report and recommendation will be presented to the Commission at its next meeting.

Education, Public Institutions, and Local Government Committee

Chad Readler, Chair of the Education, Public Institutions, and Local Government Committee, reported that the committee voted to keep in place Article VI, Section 5 (Loans for Higher Education) and Section 6 (Tuition Credits Program), and would be presenting those reports and recommendations at the next Commission meeting. He said the committee is now turning to Article VII, relating to public institutions, discussing sections in that article that may be obsolete as well as Section 1, which contains outdated references. Mr. Readler invited Commission members share with the committee any views on how the committee might address the concerns raised by Article VII.

Old Business:

Co-chair Amstutz recognized Steven C. Hollon, executive director, to provide an update on the process of creating joint resolutions related to the Commission's recommendations, as the Commission had voted to pursue at its October 2016 meeting.

Mr. Hollon said, under the direction of Co-chair Amstutz and Commission member Representative Michael Curtin, staff worked with the Legislative Service Commission to draft four joint resolutions relating to reports and recommendations adopted by the Commission.

He identified three joint resolutions sponsored by Reps. Curtin and Amstutz, that relate to Article VIII and were the result of review by the Finance, Taxation, and Economic Development Committee. He said House Joint Resolution 11 would repeal sections of Article VIII relating to the Sinking Fund and the Sinking Fund Commission. Mr. Hollon said House Joint Resolution 10 would enact a new Section 18 and repeal Sections 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2j, and 2k of Article VIII. Mr. Hollon added that House Joint Resolution 9 would enact a new Section 2t in Article VIII to re-authorize lease appropriation bonds as general obligation debt.

In relation to Article VI, the Judicial Branch, Mr. Hollon reported that House Joint Resolution 12 would repeal Sections 19 and 22 in order to eliminate obsolete provisions for courts of conciliation and a supreme court commission. He said that joint resolution resulted from reports and recommendations adopted by the Commission and originally issued by the Judicial Branch and Administration of Justice Committee.

Co-chair Amstutz indicated that an effort is under way by Co-chair Tavares and Commission member Senator Bob Peterson to introduce companion resolutions in the Senate.

New Business:

Co-chair Amstutz announced a conflict regarding the next scheduled meeting of the Commission on December 8, 2016. He suggested that the Commission meet the following week, on Thursday, December 15, 2016, asking about the availability of Commission members at that alternate time. He said to expect correspondence regarding changing the meeting date, expressing hope that a suitable alternative could be arranged.

Adjournment:

There being no further business to come before the Commission, the meeting adjourned at 1:55 p.m.

Approval:

The minutes of the November 10, 2016 meeting of the Commission were approved at the December 15, 2016 meeting of the Commission.

/s/ Charleta B. Tavares
Co-chair
Senator Charleta B. Tavares
Assistant Minority Leader

/s/ Ron Amstutz
Co-chair
Representative Ron Amstutz
Speaker Pro Tempore