



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

Sunset Review Committee

Testimony on Behalf of the Ohio Constitutional Modernization Commission May 3, 2016

Chairman Jordan and members of the Sunset Review Committee, my name is Steven C. Hollon, Executive Director of the Ohio Constitutional Modernization Commission (Commission). Thank you for the opportunity to appear before the committee today to update you on the work of the Commission and to request its reauthorization.

I. The Commission's Primary Purpose

The Commission was established by the 129th General Assembly with the passage of House Bill 188, and as codified in Ohio Revised Code Sections 103.61 through 103.67. The Commission is modeled after the Ohio Constitutional Revision Commission that existed in the 1970s. Ohio Revised Code section 103.61 indicates that the Commission is charged with:

- (A) Studying the Constitution of Ohio;
- (B) Promoting an exchange of experiences and suggestions respecting desired change in the Constitution;
- (C) Considering the problems pertaining to the amendment of the Constitution; and

(D) Making recommendations from time to time to the General Assembly for the amendment of the Constitution.

The Commission was established with an understanding that a formal review of the foundational governing document of the state, in this instance to be held for just the second time since the state's last constitutional convention, in 1912, is in the public interest.

II. The Commission's Past and Anticipated Workload

The 32 Commission members have been divided into six subject-matter committees to review the Ohio constitution. The committees are:

- Bill of Rights and Voting Committee
- Constitutional Revision and Updating Committee
- Education, Public Institutions, and Local Government Committee
- Finance, Taxation, and Economic Development Committee
- Judicial Branch and Administration of Justice Committee
- Legislative Branch and Executive Branch Committee

Each Committee member is assigned to two of the subject matter committees. Three of the committees meet every other month, with the other three committees meeting the other months. The full Commission typically meets every month.

As you may know, the Ohio Constitutional Modernization Commission operated without staff for the first two years of its existence (2012 and 2013), which limited its effectiveness in completing its work. Over the course of 2014, staff was hired, an office was established, and Rules of Procedure and Conduct were adopted. Only within the last 16 months, that is, since the beginning of 2015, has the Commission operated at a capacity that was originally envisioned, which has allowed it to provide a more thorough and methodical review of the Constitution. For

instance, during the last 16 months there have been 63 separate committee meetings, at which testimony has been presented by 51 witnesses, including ten members of the General Assembly, and the Commission has adopted nine reports and recommendations issued by committees regarding provisions in the Constitution.

Staff spends a significant amount of time preparing for these monthly meetings, which includes securing presentations by witnesses, completing legal research, preparing memoranda on constitutional provisions, drafting minutes, and writing reports and recommendations. This work is accomplished through the efforts of just four employees. They include an executive director, counsel to the commission, director of communications, and an administrative assistant. In addition, the Commission has contracted with a former Ohio law school dean to serve as a senior policy advisor to the Commission.

III. The Commission's Past and Anticipated Budgets

The Ohio Constitutional Modernization Commission operated in a cost-effective manner during its first three fiscal years, and is operating well within its budget in the current fiscal year. Over this four-year period, as noted in the table in the materials previously submitted, the Commission is under budget by over \$600,000 from what was appropriated. This is due, in large part, to the fact the Commission was not operating at full strength until early last year. However, we are responsible stewards of the public's moneys.

The Commission's source of funding is General Revenue Funds, with carryover provisions. However, the Commission has never expended more than its original appropriation in any fiscal year, and has never used the carryover. The appropriation to the Commission for the current fiscal year and Fiscal Year 2017 is \$600,000 each year. The Commission will be able to operate within those parameters.

IV. Governing Board

R.C. 103.63 indicates that the Commission shall consist of 32 members, 12 of whom shall be members of the General Assembly, with the remaining 20 members to be made up of persons who are not members of the General Assembly. R.C. 103.63 further states that the 12 members of the General Assembly shall elect one co-chairperson from each house of the General Assembly. The General Assembly members are listed in Attachment A.

In addition to selecting the co-chairs, the General Assembly members also select the remaining members of the Commission who are not members of the General Assembly. The 20 public members of the Commission provide professional, geographic, political, racial, and gender diversity. They include some of the most respected of our fellow Ohioans. They are listed in Attachment B. All appointments are for a two-year term ending on the first day of January of every even-numbered year. The 20 public members were most recently appointed at the beginning of 2016.

The members of the Commission serve without compensation, but may be reimbursed for actual and necessary expenses, such as travel and meal expenses, which the majority of our members do not claim.

V. Additional Items

In the materials submitted for the committee's review, I have referenced the Commission's 2015 Annual Report and the 2013-2014 Biennial Report, which are available on our home page at www.ocmc.ohio.gov.

VI. Conclusion

In closing, I would note that the work of the Commission has drawn interest from individuals and public interest groups from around the state, and has allowed for the interactive

participation of elected officials and non-elected citizens, sitting together on the same body, to undertake this significant, once-in-an-every-other-generation review, of our Constitution. Therefore, we respectfully request that the Commission be reauthorized due to the important public interest it serves, its effective use of public moneys, and its limited staff requirements.

I wish to express my appreciation to you for allowing me to testify. I would be happy to answer any questions the committee may have.

ATTACHMENT A

The 12 members of the Commission who are members of the General Assembly are:

1. Senator Bill Coley
2. Senator Kris Jordan
3. Senator Bob Peterson
4. Senator Charleta Tavares (Commission co-chair)
5. Senator Tom Sawyer
6. Senator Michael Skindell
7. Representative Ron Amstutz (Commission co-chair)
8. Representative Bob Cupp
9. Representative Robert McColley
10. Representative Kathleen Clyde
11. Representative Michael Curtin
12. Representative Emilia Sykes

ATTACHMENT B

The 20 public members and their cities of residence are:

1. Janet Gilligan Abaray (Cincinnati)
2. Herb Asher (Columbus)
3. Roger L. Beckett (Ashland)
4. Karla L. Bell (Shaker Heights)
5. Paula Brooks (Upper Arlington)
6. Douglas R. Cole (Upper Arlington)
7. Jo Ann Davidson (Reynoldsburg)
8. Patrick F. Fischer (Cincinnati)
9. Edward L. Gilbert (Akron)
10. Jeff Jacobson (Columbus)
11. Charles F. Kurfess (Perrysburg)
12. Larry L. Macon (Richfield)
13. Frederick E. Mills (Upper Arlington)
14. Dennis P. Mulvihill (Hudson)
15. Chad A. Readler (Columbus)
16. Richard B. Saphire (Dayton)
17. Bob Taft (Spring Valley)
18. Pierrette Talley (Columbus)
19. Kathleen M. Trafford (Columbus)
20. Mark Wagoner (Toledo)

