



Ohio Legislative Service Commission

Bill Analysis

Wendy H. Gridley

Sub. H.B. 188*

129th General Assembly

(As Reported by S. Government Oversight and Reform)

Reps. Batchelder, Derickson, Beck, Thompson, Wachtmann, Maag, Stebelton, Amstutz, R. Adams, Combs, Blair, Gardner, Johnson, Boose, Carey, Butler, Grossman, Burke, Stautberg, Duffey, Huffman, J. Adams, Newbold, Hayes, Dovilla, Slaby, Martin, Brenner, Mecklenborg, Gerberry, Fedor, Letson, Patmon, Sprague, Stinziano, Anielski, Antonio, Baker, Balderson, Barnes, Blessing, Bupp, Buchy, Budish, Carney, Celeste, Damschroder, DeGeeter, Fende, Garland, Goodwin, Goyal, Hackett, C. Hagan, Hall, Heard, Henne, Hollington, Kozlowski, Luckie, McClain, McGregor, McKenney, Milkovich, Murray, Peterson, Phillips, Pillich, Ramos, Roegner, Rosenberger, Ruhl, Sears, Slesnick, Sykes, Szollosi, Weddington, Winburn, Yuko

BILL SUMMARY

- Establishes the Ohio Constitutional Modernization Commission to study the Ohio Constitution, promote an exchange of suggestions regarding desired changes in the Ohio Constitution, consider the problems of constitutional amendment, and make recommendations for amendments to the Ohio Constitution.
- Provides for a 32-member Commission, with 12 members appointed by the leaders in the General Assembly and the remaining 20 members appointed by the 12 initial members.
- Permits the Commission to employ professional, technical, and clerical employees as needed to successfully and efficiently carry out the Commission's purposes.
- Requires the Commission to make its first report to the General Assembly not later than January 1, 2013, and requires biennial reports thereafter.

* This analysis was prepared before the report of the Senate Government Oversight and Reform Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Requires the Commission to complete its work on or before July 1, 2021, and specifies that the Commission ceases to exist on that date unless the electors vote in favor of a convention in 2012.
- Provides that if the electors vote in favor of a convention in 2012, the Commission must transfer its assets and records to the convention; upon transfer, the Commission ceases to exist.

CONTENT AND OPERATION

Purpose and duties of the Ohio Constitutional Modernization Commission

The bill establishes the 32-member Ohio Constitutional Modernization Commission. The members of the Commission must meet for the purpose of: (1) studying the Constitution of Ohio, (2) promoting an exchange of experiences and suggestions respecting desired changes in the Constitution, (3) considering the problems pertaining to the amendment of the Constitution, and (4) making recommendations from time to time to the General Assembly for the amendment of the Constitution.

The bill specifies that a Commission recommendation is void unless it receives a $\frac{2}{3}$ vote of the Commission membership.¹

The Commission must make its first report to the General Assembly not later than January 1, 2013. Thereafter, it must report at least every two years until its work is completed.² The Commission must complete its work on or before July 1, 2021, and must cease to exist at that time, unless the electors approve a convention in 2012. The terms of all members expire July 1, 2021. The bill provides that if a majority of the electors voting on the question of whether there should be a constitutional convention in 2012 vote in favor of it, the Commission must transfer all of the assets and records remaining from its operations to the convention. Article XVI, Section 3 of the Ohio Constitution requires the question of whether to conduct a constitutional convention to appear on the ballot in 2012. Upon the transfer, the Commission ceases to exist, unless the electors approve a convention in 2012.³

¹ R.C. 103.61.

² R.C. 103.65.

³ R.C. 103.66.

Membership

The Commission consists of 32 members. Twelve members must be appointed from the General Assembly as follows: three by the Senate President, three by the Senate Minority Leader, three by the Speaker of the House of Representatives, and three by the House Minority Leader.

Not later than January 1, 2012, and every two years thereafter, the twelve General Assembly members must meet, organize, and elect two co-chairpersons, who must be from different political parties. The members must then, by majority vote, appoint 20 Commission members, not from the General Assembly. All appointments must end on January 1 of every even-numbered year, and the Commission must then be re-created as previously described. Members may be reappointed. Vacancies on the Commission must be filled in the manner provided for original appointments.

Members serve without compensation, but each member must be reimbursed for actual and necessary expenses incurred while engaging in the performance of the member's official duties. Membership on the Commission does not constitute holding another public office.⁴

Acceptance and use of funds

The bill permits the Commission to receive appropriations and grants, gifts, bequests, and devises and to expend any funds received in such a manner for the purpose of reimbursing members for actual and necessary expenses incurred while engaged in official duties, or for the purpose of meeting expenses incurred in any special research or study relating to the Constitution of Ohio.

The Commission must file annually with the Auditor of State, on or before March 15, a full report of all grants, gifts, bequests, and devises received during the preceding calendar year, stating the date when each was received and the purpose for which the funds received were expended.⁵

Commission employees

The Commission can employ professional, technical, and clerical employees as may be required to successfully and efficiently carry out the Commission's purposes. Funds for the compensation and reimbursement of employees must be paid from the state

⁴ R.C. 103.62.

⁵ R.C. 103.63.

treasury out of funds appropriated for that purpose. All disbursements of the Commission must be by voucher approved by one of the Commission co-chairpersons.⁶

HISTORY

ACTION	DATE
Introduced	04-06-11
Reported, H. State Government & Elections	06-08-11
Passed House (97-1)	06-08-11
Reported, S. Government Oversight and Reform	--

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⁶ R.C. 103.64.

