



# Ohio Legislative Service Commission

## Final Analysis

Lynda J. Jacobsen

### Am. H.B. 188

129th General Assembly  
(As Passed by the General Assembly)

- 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, Bubp, Buchy, Budish, Carney, Celeste, Damschroder, DeGeeter, Fende, Garland, Goodwin, Goyal, Hackett, C. Hagan, Hall, Heard, Henne, Hollington, Hottinger, Kozlowski, Luckie, McClain, McGregor, McKenney, Milkovich, Murray, Peterson, Phillips, Pillich, Ramos, Roegner, Rosenberger, Ruhl, Sears, Slesnick, Sykes, Szollosi, Weddington, Winburn, Yuko
- Sens.** Faber, Bacon, Beagle, Brown, Cafaro, Coley, Daniels, Gillmor, Grendell, Hite, Hughes, Jones, LaRose, Lehner, Manning, Niehaus, Obhof, Oelslager, Patton, Sawyer, Smith, Stewart, Tavares, Turner, Wagoner, Widener, Wilson

**Effective date:** October 17, 2011

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## ACT 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.
- Requires the Commission also to make recommendations on organizing a constitutional convention, if the voters call for such a convention, and to make recommendations to the convention regarding possible constitutional amendments.
- 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.

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\* This version updates the effective date of the act.

- 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.
- Requires the Commission to complete its work on or before July 1, 2021, and specifies that the Commission ceases to exist on that date.

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## CONTENT AND OPERATION

### Purpose and duties of the Ohio Constitutional Modernization Commission

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

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.<sup>2</sup> The Commission must complete its work on or before July 1, 2021, and must cease to exist at that time. The terms of all members expire July 1, 2021.<sup>3</sup>

Additionally, if the voters call for a constitutional convention, the Commission must report to the General Assembly its recommendations with respect to the organization of a convention, and report to the convention its recommendations with respect to amendment of the Constitution.<sup>4</sup> 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.

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<sup>1</sup> R.C. 103.61.

<sup>2</sup> R.C. 103.66.

<sup>3</sup> R.C. 103.67.

<sup>4</sup> R.C. 103.62.

## **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.<sup>5</sup>

## **Acceptance and use of funds**

The act 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.<sup>6</sup>

## **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

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<sup>5</sup> R.C. 103.63.

<sup>6</sup> R.C. 103.64.

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.<sup>7</sup>

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## 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	06-23-11
Passed Senate (32-1)	06-28-11

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<sup>7</sup> R.C. 103.65.

