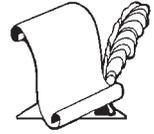

SUBNATIONAL CONSTITUTIONAL CHRONICLE



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WILLIAMS HONORED AT STATE CONSTITUTIONAL CELEBRATION

On October 18, Rutgers Law School, in conjunction with the Center for State Constitutional Studies, celebrated the 25th Anniversary of the State Constitutional Law Issue of the *Rutgers Law Journal* at the National Constitution Center in Philadelphia. Sanford Levinson, who holds the Garwood Centennial Chair in Law at the University of Texas Law School, delivered the annual state constitutional lecture, providing “Reflections on States as Laboratories of Constitutional Design.” A panel of scholars commented on the presentation: Steven Steinglass, Dean Emeritus at

Cleveland-Marshall Law School; Alan Tarr, Director of the Center for State Constitutional Studies; and Robert Williams, Associate Director of the Center.

At the conclusion of the event, Dean Rayman Solomon of Rutgers Law School announced that the annual state constitutional lecture would henceforth be named after Robert Williams, in recognition of his 25 years of dedicated service as Faculty Adviser for the State Constitutional Law Issue.

NEWSLETTER BY E-MAIL?

If you would prefer to receive the Center newsletter by e-mail, please send your e-mail address to cscs@camden.rutgers.edu. If you know other people who

might wish to receive the newsletter electronically, please also forward their e-mail addresses to the Center.

WILLIAMS ELECTED AS SECRETARY-TREASURER OF IACFS

Robert Williams, Associate Director of the Center, was elected as Secretary-Treasurer of the International Association of Centers for Federal Studies (IACFS) at the organization’s annual conference, held September 10-13 in Bozen/Bolzano, Italy. His three-year term will cover the IACFS’s next annual conference, which will focus on

“Concurrency of Powers in Federal Systems” and is tentatively scheduled for November 4-6, 2014, in Cape Town, South Africa. For further information about the conference, contact the President of IACFS, Nico Steytler at: nsteytler@uwc.ac.za.

SUBNATIONAL CONSTITUTIONALISM AND THE INTERNATIONAL ASSOCIATION OF CONSTITUTIONAL LAW

The International Association of Constitutional Law (IACL) will hold its Ninth World Congress in Oslo, Norway, on June 16-20. The World Congress will include a workshop on “Sub-national constitutions in federal and quasi-federal constitutional states,” scheduled for June 17. The workshop is being co-organized by Robert Williams, Associate Director of the Center for State Constitutional Studies, and paper proposals are currently being accepted. Preference will be given to papers that present a comparative analysis, but papers with a focus on a single country will certainly be considered. Possible topics include but are not

limited to: (1) the impact of constitutional courts on subnational constitutionalism; (2) symmetry and asymmetry in subnational constitutions and constituent powers; (3) subnational constitutions in centrifugal federalism; and (4) politics and procedures for subnational constitutional change. For further information about the World Congress, see the IACL website at : <http://www.iacl-aicd.org/en/events/forthcoming-events/103-oslo-congress-oslo-congress-16-20-june-2014>. For further information about the workshop on sub-national constitutions, contact Robert Williams at: rftw@camden.rutgers.edu.

Web site: www-camlaw.rutgers.edu/statecon/

STATE CONSTITUTIONAL AMENDMENTS

Most states schedule their elections for state executive and legislative offices to coincide with federal presidential and congressional elections, and most state constitutional amendments are voted on at that time. However, some states—for example, New Jersey and Virginia—elect their governors and legislators in off years, and state electorates may also consider whether to ratify constitutional amendments in off-year elections. In 2013 voters in six states considered seventeen constitutional amendments, all but one of which were proposed by the state legislature. Among the key amendments on the ballot were:

Colorado Constitutional Amendment 66, which increases the state income tax to raise \$950 million to be spent on the state's schools and allows implementation of the Public School Finance Act. The initiative amendment was supported by the Colorado Education Association and Colorado Commits to Kids, among other groups, but opposed by anti-tax groups. Rejected.

New Jersey's Support for Veterans' Organizations from Gambling Proceeds amendment, which was proposed unanimously by both houses of the state legislature, and allows those organizations to use proceeds from existing games of chance, such as bingo, to support themselves. Approved.

New Jersey's Minimum Wage Increase Amendment, which increases the minimum wage in the state from \$7.25 to \$8.25 and provides for automatic yearly increases based on the Consumer Price Index. The measure was supported by labor unions but opposed by business groups and by Governor Christie. Approved.

New York's Casino Gambling Amendment, which authorizes the state legislature to authorize up to seven casinos in the state. Proposed by the state legislature, the amendment was favored by Governor Andrew Cuomo and a wide range of officials and organizations, while its opposition was, in the words of the *New York Times*, a "ragtag army of religious conservatives who associate gambling with social ills, liberal intellectuals who see gambling as a form of regressive taxation, and skeptics who believe that Mr. Cuomo has overstated the economic promise of his casino plan." Approved.

New York's Judicial Retirement Age Amendment, which raises the retirement age for judges from 70 to 80. This amendment was supported by legal groups but opposed by Governor Cuomo, who argued for more frequent turnover on the bench. Rejected.

Texas's Deceased Veterans' Residence Tax Exemption, which authorizes the legislature to exempt the homes of the spouses of deceased veterans from property taxes. Approved.

Texas's Expanded Judicial Sanctions Amendment, endorsed unanimously by both houses of the state legislature, which increases the range of penalties that can be imposed on judges following a formal proceeding of the State Commission on Judicial Conduct. Approved.

For further information on these and other amendments, see "2013 Ballot Measures", at Ballotpedia: http://ballotpedia.org/wiki/index.php/2013_ballot_measures .

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION BEGINS WORK

Ohio has begun a complete review of its 1851 Constitution through the creation of the Ohio Constitutional Modernization Commission. Modeled after a successful commission that operated during the 1970s, this bi-partisan commission has 32 members, 12 of whom are legislators (6 Republicans; 6 Democrats; 6 Senators; and 6 Representatives), and 20 of whom are public (i.e., non-legislative) members appointed by the legislative members. The Commission, which may remain in existence until 2021, will make recommendations to the General Assembly by a two-thirds vote. The General Assembly will then be free to submit proposals to the voters for ultimate approval (by a majority vote).

Effective October 1, 2013, Steven H. Steinglass, Dean/Professor Emeritus of the Cleveland-Marshall College of Law of Cleveland State University has been appointed Senior Policy Advisor to the Commission.

Additional information about the Commission can be found at the Commission website: <http://www.ocmc.ohio.gov/ocmc/about?0> . A website, Ohio ConstitutionLaw and History, with further information on the Ohio Constitution can be found on the Cleveland State University server: <https://www.law.csuohio.edu/lawlibrary/ohioconstitution> .

ALABAMA CONSTITUTIONAL COMMISSION COMPLETES WORK

On September 25, the Alabama Constitutional Commission, which was appointed by the Alabama Legislature in 2011, completed its section-by-section review of the state's constitution. The Commission proposed several constitutional changes, including: (1) a change to the Education Article, recognizing the state's responsibility for public education, although the proposal also made clear that the adequacy of the state's compliance with this mandate was not a matter for judicial consideration; (2) a change to the Declaration of Rights, affirming that no person shall be denied equal protection of the laws on the basis of "race, gender, sex, religion, national origin,

or color," but confirming that the new provision should not be interpreted as creating any new rights not specifically enumerated elsewhere in the constitution; and (3) a change to allow the state, counties, and cities to undertake economic development efforts without a constitutional amendment. However, proponents of constitutional reform in the state noted that the proposals, while worthy, did not address three crucial issues: the state's tax system (an issue that the legislature forbade the Commission from considering), the state's funding for education, and home rule powers for counties. They have thus continued to call for a constitutional convention in the state.

CENTER SHORTS

In September, 2013, Alan Tarr, Director of the Center, presented a paper on "Federalism and Identity: Reflections on the American Experience" at the annual meeting of the International Association of Centers for Federal Studies in Bozen/Bolzano, Italy.

In September, 2013, Alan Tarr began a one-year appointment as *Ann and Herbert W. Vaughan Visiting Fellow* in the James Madison Program in American Ideals and Institutions at Princeton University.

In September, 2013, Alan Tarr participated in a Liberty Fund conference on "Indiana's Constitutional Experience" held in Story, Indiana.

In October, 2013, Robert Williams presented the Keynote Address, and Alan Tarr presented a paper on "Explaining State Constitutional Change" at a symposium entitled "A Wave of Change: Celebrating the 50th

Anniversary of Michigan's Constitution and the Evolution of State Constitutionalism," held at Wayne State University Law School. The papers will appear in a forthcoming issue of the *Wayne State Law Review*.

In November, 2013, Alan Tarr participated in a Liberty Fund conference on "The Calculus of Consent," held in Alexandria, Virginia.

In November, 2013, Justin Robert Long presented a paper coauthored with Alan Tarr on "Diversity and Governance in the United States" at a conference entitled "Issues of Politics and Governance in Biethnic, Multiethnic, and Divided States" held in Nicosia, Cyprus. The conference was sponsored by the Center for International and European Affairs at the University of Nicosia and co-sponsored by the Center for State Constitutional Studies.

RECENT AND FORTHCOMING PUBLICATIONS AND MATERIALS

"Early State Constitutions," a new website containing the texts of the constitutions, created by Jon Roland of the Constitution Society, found at: http://constitution.org/cons/early_state_cons.htm.

Mangiameli, Stelio, ed. *Federalism, Regionalism, and Territory*. Milan: Giuffrè Editore, 2013.

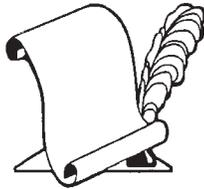
Rossum, Ralph A., and G. Alan Tarr. *American Constitutional Law*, 9th ed. Boulder, CO: Westview Press, 2014.

G. Alan Tarr. "Espaço Constitucional Infranacional: Uma Agenda de Pesquisa," in Antonio Moreira Maues, ed., *Federalismo e Constituição: Estudos Comparados*. Rio de Janeiro: Lumen Juris, 2012.

Tarr, G. Alan. "Federalism and Identity: Reflections on the American Federal Experience," in *L'Europe en Formation* (2013).

KEEPING INFORMED & INFORMING OTHERS

The Center welcomes information about constitutional developments within your state or subnational unit and publications relating to subnational constitutions or federalism. The Center is eager to publish such information, space permitting, so as to make it available to a broader audience. Send such information also to: cscs@camden.rutgers.edu.



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