



Ohio Legislative Service Commission

Bill Analysis

Bethany Boyd

H.B. 39

130th General Assembly
(As Introduced)

Reps. Foley, R. Hagan, Driehaus, Ramos, Patterson

BILL SUMMARY

- Requires the Governor to appear before the House of Representatives ten times per year for a 45-minute question time at a date and time set by the Speaker.
- Requires that House members of both the majority and minority parties be given the opportunity to ask at least five questions, beginning with the minority party and alternating thereafter until the 45-minute question time ends.

CONTENT AND OPERATION

Question time

The bill requires the Governor to appear before the House of Representatives ten times per year for a 45-minute question time. During each question time, the Governor must answer questions asked by the House members. The Speaker of the House of Representatives must set the date and time of each question time, which must occur during a session of the House at which a sufficient number of House members are present to pass a bill. The bill may violate the constitutional doctrine of separation of powers (see **COMMENT**).

The majority and the minority party each must be given the opportunity to ask the Governor a minimum of five questions. Before each question time, the House Majority Leader and the House Minority Leader must submit to the Speaker a list of the members of the majority party and minority party, respectively, who will ask the Governor questions. The parties cannot be required to disclose the questions their members intend to ask, and either party may decline to ask a question.

The Speaker must call on each questioner to speak, and must alternate between parties. The minority party must ask the first question. The Speaker must make a

reasonable effort to allot equal time to each party to ask questions and to have them answered. Neither party may ask a question after the 45th minute of the question time.¹

COMMENT

The bill's House question time appears to be similar to the tradition of Prime Minister's Questions in the British Parliament. In the parliamentary system, the executive and legislative powers are merged, i.e., the Prime Minister and the Cabinet are Members of Parliament. But under the Ohio Constitution, the legislative and executive branches of government are separate, so a court might find that requiring the Governor to participate in House question time violates the constitutional doctrine of separation of powers. While no provision in the Ohio Constitution explicitly states the doctrine, the Ohio Supreme Court has held that the doctrine "is implicitly imbedded in the entire framework of those sections of the Ohio Constitution that define the substance and scope of powers granted to the three branches of state government."² Moreover, "each of the three grand divisions of government must be protected from encroachments by the others, so far that its integrity and independence may be preserved."³

HISTORY

ACTION	DATE
Introduced	02-12-13

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¹ R.C. 101.36.

² *South Euclid v. Jemison*, 28 Ohio St.3d 157 (1986).

³ *Fairview v. Giffey*, 73 Ohio St. 183 (1905).

