

A Guidebook for Ohio Legislators



134th General Assembly
Ohio Legislative Service Commission

2021

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Introduction

The Ohio Legislative Service Commission (LSC) is pleased to present the 17th edition of *A Guidebook for Ohio Legislators* for the 134th General Assembly. This biennial publication is intended for use as a reference by members and staff of the Ohio General Assembly and by others who are interested in how the legislature and state government work.

The *Guidebook* primarily focuses on the legislative branch and the legislative process. After a brief overview of the constitutional framework of Ohio state government, the *Guidebook* summarizes the three legislative powers and the organization of the Ohio General Assembly. It describes in detail Ohio's law-making process, including how to transform an idea into a bill, how to read and understand a bill, how the committee process works, and the resources, including both partisan and nonpartisan staff services, that are available to assist General Assembly members in their decision-making process. The *Guidebook* devotes an entire chapter to the Ohio budget process. Arguably, no legislation is more important to the operation of state government than the bills that compose the state budget.

To provide broader context for understanding the legislative branch, the *Guidebook* also provides short summaries of the executive and judicial branches of state government and briefly describes early Ohio history and the history of Ohio's capital city and Statehouse.

The *Guidebook* is available on the LSC website: www.lsc.ohio.gov. You may obtain a printed copy, subject to copying and binding charges, by contacting LSC at (614) 466-5312.

The *Guidebook* publication is a shared effort of many LSC staff members. In addition, several individuals from outside LSC provided helpful editorial assistance. LSC would like to express our gratitude for feedback provided by the House Clerk's and Administrative offices and the Senate Clerk's office.

Finally, it is the hope of LSC that you find the *Guidebook* to be a handy and useful resource. Please direct any questions or comments regarding this publication to our *Guidebook* editors: Kathleen Luikart or Kristin Rhee at (614) 466-3615.

Chapter 1

The Constitutional Framework of Ohio State Government



Statehouse Map Room

What is a Constitution?

A constitution is the fundamental law of a state or nation. It is a written document agreed to by the people and thus derives its authority from those it governs. A constitution establishes the nature and character of the state or national government. It organizes government into various branches, prescribes their powers, and specifies the extent to which these powers may be exercised.

The Ohio Constitution is the fundamental law of Ohio and is subject only to the restrictions of the United States Constitution, acts of Congress, and international treaties to which the United States is a party. It may be changed only by voter approval of proposed amendments.

Like the United States Constitution, the Ohio Constitution organizes government into three separate branches: the legislative, the executive, and the judicial. Each branch is independent of the other two and has defined powers and responsibilities. All laws enacted by the legislative branch must comply with the Constitution's provisions; those that do not are unenforceable.

Ohio's first constitution was approved by Congress in 1802 as a first step to Ohio's admission to the Union as a state. Ohio's second constitution, the Constitution of 1851, as subsequently amended, is today's fundamental law of Ohio.

A constitution is the fundamental law of a state or nation. Like the United States Constitution, the Ohio Constitution organizes state government into three separate branches: legislative, executive, and judicial. Each branch is independent of the other two and has defined powers and responsibilities.

History of the Ohio Constitution

The Northwest Ordinance

Before Ohio achieved statehood in 1803, it was part of the Northwest Territory, the area bounded on the east by Pennsylvania, on the south by the Ohio River, on the west by the Mississippi River, and on the north by Canada. On July 13, 1787, Congress enacted the Northwest Ordinance, also known as the Ordinance of 1787, to establish a government for the Northwest Territory and eventually to divide that area into "not less than three nor more than five States." In addition to organizing the government of the Northwest Territory, the Ordinance contained six "articles of compact" that guaranteed certain individual liberties.

The history of the Ohio Constitution can be traced back to the Northwest Ordinance, also known as the Ordinance of 1787.

The Constitution of 1802

On April 30, 1802, President Thomas Jefferson signed into law an enabling act that authorized "the inhabitants of the eastern division of the territory northwest of the river Ohio" to initiate the procedures necessary to be admitted to the Union as a state. The act fixed a date for a constitutional convention and established terms for voting for delegates to the convention. The convention adopted the first Constitution of Ohio on November 29, 1802. Congress accepted the Constitution and President Jefferson approved it on February 19, 1803, after which Ohio was admitted to the Union as a state.

The Constitution of 1802 made the legislature – a General Assembly comprising a House of Representatives and a Senate – the most powerful branch of state government. The General Assembly appointed all state and county judges for a fixed period of seven years and also selected all state executive officers except the Governor, who was elected by popular vote. The Governor was charged with seeing that the laws were faithfully executed but possessed few specific powers other than the authority to grant pardons, to fill certain vacancies in office, and to convene or adjourn the General Assembly in certain situations. The Governor had no power to veto legislation enacted by the General Assembly. (A constitutional amendment granted the executive veto 100 years later.) A bill of rights protected individual liberties.

The Constitution of 1851

Ohio faced issues in the late 1840s that were not adequately addressed by the Constitution of 1802. The state had incurred debt in the then-significant amount of almost

\$20 million – much of it under the Ohio Loan Law of 1837 (often called the “Plunder Law”), which required the state to give financial aid to canal, railroad, and turnpike companies. There was also widespread dissatisfaction with the judicial system and with special legislation for the benefit of banking and other corporations. Consequently, in 1849, the people called a constitutional convention by approving an issue that had been placed on the ballot by the General Assembly. Following that convention, which was held in Columbus and Cincinnati in 1850 and 1851, the voters adopted a new constitution on June 17, 1851.

The Constitution of 1851 diminished the authority of the General Assembly, although the legislature remained the most powerful branch of state government. All judges and major executive officers were to be elected by popular vote. The Constitution significantly reduced the General Assembly’s authority to enact laws granting exclusive privileges and required that all laws of a general nature operate uniformly throughout the state. The Constitution also prohibited the General Assembly from enacting retroactive laws.

Ohio’s fundamental law today is the Constitution of 1851, as subsequently amended. It substantially revised the relationships among the three branches of government.

The Constitution limited the aggregate state debt to \$750,000 and required all money arising from the creation of the state debt to be applied to the purpose for which the debt was created or to repay the debt. It banned poll taxes and mandated that all classes of property be taxed by “uniform rule” (at the same rate) according to value. Every law imposing a tax had to state the purpose of the tax, and funds raised by a tax could be used only for the stated purpose.

The Constitution also authorized either house of the General Assembly to propose amendments to the Constitution. If 3/5 of the members of each house agreed to a proposed amendment, the amendment had to be submitted to the voters for approval or rejection. In addition, whenever 2/3 of the members of each house thought it necessary to call a constitutional convention, that question had to be presented to the voters for approval or rejection. Finally, the Constitution required that the question of whether to hold a constitutional convention be submitted to the voters every 20 years. The next submission of the question will be in 2032.

Under the Constitution, proposed amendments to the Constitution that are agreed to by 3/5 of the members of each house of the General Assembly are submitted to the voters for approval or rejection. Amendments may also be proposed by initiative petition and constitutional convention.

All of the provisions described above remain in effect, although some have been modified by constitutional amendment.

The 1873 Constitutional Convention

In October 1871, in accordance with the Constitution of 1851’s requirement to submit the question to the voters at least once every 20 years, the issue of whether to call a constitutional

convention was submitted to and approved by the voters. The convention assembled on May 13, 1873, and concluded a year later. The convention drafted a new constitution, but the voters rejected it.

The 1912 Constitutional Convention

In 1910, Ohio voters again approved the calling of a constitutional convention. By that time, the Progressive movement had become firmly established in Ohio. Ohio Progressives wanted to grant “home rule” to cities, allow women to vote, and increase popular participation in government. In addition, popular support existed for such issues as court procedural reform and legislative regulation of the workplace.

Several important amendments to the Ohio Constitution were approved in 1912, including court and legislative reform, protections for workers, increased authority for local government, and the initiative and referendum.

Instead of writing a new constitution, the 1912 convention proposed a series of amendments, many of which the voters approved. Some amendments altered the right to trial by jury, the right to confront witnesses, and the right to seek redress in the courts. Others extended the direct primary to all elections, granted the powers of initiative and referendum to the voters, and gave the Governor the authority to exercise an item veto in appropriation acts. (The Governor had been granted the power to veto an act or parts of an act by an amendment adopted in 1903. The 1912 amendment limited the item veto to appropriation acts.) Several amendments provided protections for workers, including amendments authorizing the General Assembly to (1) provide for liens by which workers could secure payment for labor or materials, (2) fix and regulate the hours of labor, (3) establish a minimum wage, and (4) provide for the “comfort, health, safety and general welfare” of employees. Another amendment authorized the General Assembly to establish a compulsory workers’ compensation system. Finally, provisions relating to the “home rule” of Ohio municipal corporations were adopted in 1912; these provisions are explained in greater detail in [Chapter 2](#).

Amendments since 1912

The Constitution has been amended often since 1912. Many of the amendments have authorized the issuance of state bonds for various purposes such as veterans’ bonuses, highway and school construction, economic development, and environmental cleanup. Other amendments have dealt with such disparate issues as the classification of property for tax purposes, the organization of the judiciary, the Governor’s power to grant pardons and commutations, term limits for legislators, and casino gaming.

Structure of the Ohio Constitution

Like other state constitutions, the Ohio Constitution is more inclusive than the United States Constitution. It contains provisions pertaining to elections, local government, finance and taxation, public education, and many other subjects mentioned barely or not at all in the United States Constitution. Generally, the Ohio Constitution limits state governmental authority while the United States Constitution delegates authority to the national government.

The Ohio Constitution is organized into numbered “articles,” each of which is divided into numbered “sections.” The Constitution begins with a Preamble. Article I contains the state Bill of Rights. Articles II, III, and IV establish the three branches of government (legislative, executive, and judicial). Articles V through XVIII contain provisions relating to the administration of government and subjects of substantive law. The Constitution concludes with a schedule of provisions relating to effective dates and the transition from the original constitution. Excerpts from the Constitution appear in [Appendix B](#).

The Ohio Constitution, like other state constitutions, contains much more detail with respect to the structure and operation of government than does the United States Constitution.

Separation of Powers

It has been said that the principle of separation of powers is the chief contribution of the United States to the art of government. The principle makes each branch of government – legislative, executive, and judicial – independent of the other two. Each branch has its own exclusive powers and its own personnel to exercise them. A person in one branch cannot exercise powers vested in another branch. For example, a judge in the judicial branch cannot exercise a legislative power any more than a Senator or Representative in the legislative branch can exercise a judicial power.

Articles of the Ohio Constitution

Preamble	
I	Bill of Rights
II	Legislative
III	Executive
IV	Judicial
V	Elective Franchise
VI	Education
VII	Public Institutions
VIII	Public Debt and Public Works
IX	Militia
X	County and Township Organizations
XI	Apportionment
XII	Finance and Taxation
XIII	Corporations
XIV	Agriculture
XV	Miscellaneous
XVI	Amendments
XVII	Elections
XVIII	Municipal Corporations
XIX	Congressional Redistricting
Schedule	

Separation of powers means that the powers of government are allocated to three separate branches, each with its own personnel.

Many state constitutions contain an express declaration that the state government is divided into three separate and distinct branches. The Ohio Constitution does not make such a declaration. Rather, separation of powers is implied in the Ohio Constitution from the structure of the document. The Constitution of 1851 confers the three powers of government (legislative, executive, and judicial) upon three separate and distinct governmental entities (the General Assembly, the Governor, and the Judiciary) in Articles II, III, and IV.

Checks and Balances

Separation of powers is not absolute. The principle of checks and balances authorizes one branch of government to act as a restraint on another branch. For example, the Governor may restrain the General Assembly by vetoing legislation. The General Assembly, in turn, may override a veto by a 3/5 vote of each house. The courts make law, known as

the common law, as they decide cases, but the General Assembly may check this lawmaking power by enacting legislation that modifies the common law. (See [Appendix D](#).) On the other hand, the courts may restrain the General Assembly by declaring legislation unenforceable if it violates the state or federal constitution.

The principle of checks and balances prevents power from being concentrated in or abused by one branch of government.

In addition to these checks and balances that are part of the everyday business of government, the General Assembly has certain special powers over the other branches of government. For example, the House of Representatives can impeach the Governor, other executive officers, and state judges. Impeachments are tried by the Senate.

The General Assembly also has authority to change the number of justices on the Supreme Court, to define the jurisdiction of the courts of appeals and courts of common pleas, to create new courts inferior to the Supreme Court, to prescribe the mode of election of state judges, and to fix the compensation of state judges, the Governor, and other executive officers.

Chapter 2

The Legislative Branch



Rotunda Skylight

Legislative Power

The legislative power of the state of Ohio is vested in the General Assembly and in the people, who have reserved to themselves the right to enact laws (initiative) and the right to approve and disapprove laws enacted by the General Assembly (referendum). The legislative power, whether exercised by the General Assembly or by the people, is subject only to the limitations in the Ohio and United States Constitutions and in federal law. Thus, the General Assembly or the people may enact any law that is not prohibited by either constitution or by federal statutes. (See [Appendix B](#) for pertinent provisions of the Ohio Constitution.)

The General Assembly has three fundamental powers:

- Political Power – to provide for the establishment, organization, and operation of government;
 - Police Power – to promote the public peace, health, safety, and welfare; and
 - Taxing Power – to raise revenue to pay for government facilities and operations.
-

The legislative power comprises three fundamental powers. The **political power** is the power to enact laws for the establishment, organization, and operation of government in Ohio. Examples include laws providing for the government of counties, the incorporation and government of municipalities, the organization of certain courts, the creation and empowering of administrative agencies to carry out the work of government, the election and appointment of officers and employees, and the appropriation of money to pay the costs of government facilities and operations. A special political power is vested in the Senate; when appointment statutes so provide, appointments by the Governor are subject to its advice and consent.

The **police power** is the essence of what government does. It is the power to enact all manner of laws that promote the public peace, health, safety, and welfare. Examples include laws defining and providing for the prevention, detection, prosecution, and punishment of crimes; laws that protect public health; laws providing for the welfare of the poor; laws governing public schools and libraries; and laws providing for the regulation of public utilities.

The **taxing power** is the authority to levy and collect taxes that will raise revenue in an amount sufficient to defray the expenses of state government facilities and operations and to pay principal and interest on the state debt. The General Assembly has levied different types of taxes, such as the income tax, sales tax, commercial activity tax, and cigarette tax.

The General Assembly also levies fees. Fees differ from taxes in that taxes support general government operations while fees reimburse government for performing specific services. An example is the fee paid by licensees for their licenses; the fee supports the operations of the licensing agency.

Organizational Powers of the General Assembly

The General Assembly has broad authority to organize itself and conduct its business, limited only by the Ohio and United States Constitutions and federal law. Each house has all powers necessary to provide for its safety and for the undisturbed transaction of its business. Each house is the judge of the election, returns, and qualifications of its members. Each house may choose its officers, determine its rules of procedure, punish its members for disorderly conduct, and, by a vote of 2/3, expel a member. Each house, through committee hearings or otherwise, can obtain (1) information affecting legislation that is contemplated or under consideration or (2) information with respect to any alleged breach of its legislative powers or any alleged misconduct of its members. If necessary to obtain information in these respects, each house can compel the attendance of witnesses and the production of written or other physical evidence.

Exercise of Legislative Power by the General Assembly

Once the process of organizing for business is complete, the General Assembly exercises legislative power principally by enacting bills to establish state law and by adopting joint resolutions that propose constitutional amendments.

Bills

A “bill” is a formal, written legal instrument for the enactment of a new statute or for the amendment or repeal of an existing statute. (A “statute” is a formal, written statement of law enacted by a legislature.) Although a bill generally must be confined to a single subject, multiple

topics may be combined in a bill if they relate to a single unifying subject. A bill must be considered by each house on three different days unless 2/3 of the members elected to the house in which the bill is pending vote to suspend the three-consideration requirement. The Ohio Constitution provides that a bill cannot be passed until it has been “reproduced and distributed” to the members of the house in which it is pending. In recent years, the practice has been to reproduce and distribute a bill by electronic means instead of on paper. For a bill to be enacted, a majority of the members elected to each house generally must vote for its passage, but some bills, because of their subject matter, require extraordinary majorities. A common example of the latter is a bill that declares an emergency, which requires 2/3 of the members elected to each house to vote to pass the bill as an emergency measure.

A bill is a formal, written legal instrument introduced by a member of the General Assembly to enact, amend, or repeal a state law.

The Speaker of the House and President of the Senate are required to sign each bill that has been passed to show that the procedural requirements for passage have been met. The act, as the bill is called after passage, is then presented to the Governor, who has ten days after presentation, Sundays excepted, to review the act. If the Governor approves the act, the Governor signs it, and it becomes a law. However, if the Governor vetoes the act, the Governor must return it, together with a written statement of objections, to the house in which the act originated. If 3/5 of the members elected to each house then vote to override the veto, the act becomes law notwithstanding the Governor’s objections. If, within the ten-day period for gubernatorial review, the Governor neither signs nor returns the act, it becomes law just as if the Governor had signed it. When an act becomes law, it is filed with the Secretary of State.

The Governor’s veto power generally applies to whole acts. In the case of acts that appropriate money, however, the Governor may veto any item or items. An “item” of an appropriation act is any distinct and severable provision of the act. A provision of an appropriation act is “distinct and severable” if, after it is separated from the act, the remainder of the act can be given effect as intended by the General Assembly. The Governor’s power to veto items in appropriation acts is not limited to specific appropriations of money but also applies to other, nonappropriation provisions that happen to be included in the act. Vetoes are void unless re-passed in the same manner as acts.

How Constitutional Amendments Are Proposed

If 3/5 of the members elected to each house vote to adopt a **joint resolution** proposing an amendment to the Ohio Constitution, the amendment is submitted to the voters at an election for their approval or rejection.

The General Assembly does not have exclusive authority to propose Constitutional amendments. A **constitutional convention** of delegates elected by the people may be convened to consider and propose constitutional amendments (or even, conceivably, a new constitution) for adoption or rejection by the people. If 2/3 of the members elected to each house vote to adopt a joint resolution proposing a constitutional convention, the question of holding a convention is submitted to the voters at an election for their approval or rejection. If the voters

approve, the General Assembly is required at its next session to provide for calling the convention. The Constitution itself requires that the question of calling a constitutional convention be placed on the ballot once every 20 years. The last constitutional convention was held in 1912.

The General Assembly may adopt a joint resolution proposing either to hold a constitutional convention or to amend the Ohio Constitution.

Amendments to the United States Constitution

Proposals for amendments to the United States Constitution can be initiated by Congress or by the states. By a 2/3 vote in both of its houses, Congress may propose amendments to the United States Constitution. Federal constitutional amendments must be ratified by 3/4 of the several states in order to take effect. The ratification may come from the state legislatures or by

state conventions, as Congress directs. Ratification of federal constitutional amendments by the General Assembly requires a simple majority of the members elected to each house.

Upon application of 2/3 of the states, Congress must call a federal constitutional convention to propose amendments to the United States Constitution. To join in such an application, the General Assembly adopts a joint resolution to that effect. Any amendment proposed by a federal constitutional convention must be ratified by states in the same manner as amendments that are proposed by Congress.

Legislative Power Exercised by the People

The people exercise legislative power through the initiative, which is their power to enact laws independently of the General Assembly, and through the referendum, which is their power to approve or disapprove laws passed by the General Assembly.

Legislative Power Exercised by Executive and Judicial Branches

To a limited extent, the Governor possesses legislative authority in the form of the veto power over enacted bills (see Chapter 5); the power to call special legislative sessions and limit their business; and the power to adjourn the General Assembly if the two houses cannot agree on the time of adjournment. (Under the latter power, the Governor cannot adjourn the General Assembly beyond the time constitutionally fixed for its regular meetings.)

The Ohio Supreme Court possesses limited legislative authority, formerly vested in the General Assembly, to adopt rules governing practice and procedure in the courts (see Chapter 12).

Initiative

Constitutional Amendments

In addition to their power to call a constitutional convention, the people can amend the Ohio Constitution through the initiative. If an initiative petition proposing a constitutional amendment is filed with the Secretary of State, the proposed amendment is submitted to the voters at an election for their approval or disapproval. (A number of voters equal to 10% of the total number of votes cast for Governor in the most recent gubernatorial election must sign such an initiative petition.) An initiated constitutional amendment approved by the voters takes effect 30 days after the day of the election at which it is approved.

Initiative Petition Votes

If, under the initiative provisions of the Constitution, the General Assembly passes a proposed statute in amended form, and the original proposed statute is approved by the voters, the original proposed statute becomes law in lieu of the amended version passed by the General Assembly.

If, however, the General Assembly passes the proposed statute in amended form, and the original proposed statute is disapproved by the voters, the amended version passed by the General Assembly becomes law.

Statutes

A statute may be proposed by an initiative petition signed by a number of voters equal to 3% of the total number of votes cast for Governor in the most recent gubernatorial election. If such a petition is filed with the Secretary of State, the Secretary of State transmits the proposed statute to the General Assembly. If the General Assembly defeats the proposed statute, passes it in amended form, or does not act on it within four months after the time it was received, a second petition may be filed with the Secretary of State to have the proposed statute submitted to the voters at an election for their approval or disapproval. (A number of voters equal to 3% of the total number of votes cast for Governor in the most recent gubernatorial election, in addition to those who signed the first petition, must sign the second petition.) The proposed statute is submitted to the voters in the form specified in the second petition—either as originally proposed or as it may have been amended by either house of the General Assembly. An initiated statute approved by the voters is not subject to the Governor’s veto and takes effect 30 days after the election at which it was approved.

Referendum

Laws generally go into effect on the 91st day after they are filed with the Secretary of State. This 90-day period allows time for the preparation, circulation, and filing of a referendum petition on the law, any section of the law, or any item in the law if the law is one appropriating money. If a valid referendum petition is filed with the Secretary of State, the law, section, or item is submitted to the voters at an election for their approval or disapproval. (A number of voters equal to 6% of the total number of votes cast for Governor in the most recent gubernatorial election must sign a referendum petition.) A law, section, or item thus submitted to the electorate does not go into effect until the voters have approved it. Certain laws—those levying taxes, those appropriating money for current expenses, and those declaring an emergency—are not subject to the referendum and go into immediate effect when they are approved by the Governor.

Limitations on Legislative Power

In exercising legislative power, the General Assembly and the people are limited, as has already been noted, by only the Ohio and United States Constitutions and by federal law. (Limitations placed specifically upon the General Assembly are also limitations upon the people's power to adopt laws by initiative.) The following paragraphs summarize important constitutional limitations.

Bill of Rights Not to Be Infringed

The General Assembly cannot enact laws that infringe the civil and political rights guaranteed to the people by the Bill of Rights in the Ohio and United States Constitutions. These rights include, for example, freedom of speech, freedom of religion, freedom of the press, the right to be secure against unreasonable searches and seizures, the right to due process of law, and the right to equal protection of the laws.

The Ohio Bill of Rights

Although the Ohio Bill of Rights is similar to the Bill of Rights contained in the United States Constitution, Ohio's Bill of Rights includes provisions that have no equivalent in the federal Bill of Rights, as well as provisions inspired by the Declaration of Independence and the Ordinance of 1787. An example of these additional provisions is the duty given to the General Assembly to encourage education.

Laws of a General Nature and Uniform Operation Preferred

A "law of a general nature" is a law affecting a subject that can or does exist everywhere in the state. A law operates "uniformly" if it affects equally every person or thing that comes within the scope of the law. The Ohio Constitution requires that laws of a general nature operate uniformly throughout the state. An example is a law prescribing automobile equipment standards. Because automobiles exist everywhere in the state, the General Assembly must enact the law as a law of uniform operation throughout the state.

The Constitution does not prohibit special or local laws. However, a special or local law is appropriate only if its subject matter is unique to a particular area or circumstance. An example is a law authorizing the sale of a particular parcel of state-owned real estate. Because a parcel of real estate is, by nature, unique, the law cannot be made general or of uniform operation.

Nor is the General Assembly prohibited from classifying persons and things. Classification is an inherent legislative power, although the General Assembly must have a more compelling reason to make some classifications (e.g., those based on race) than others (e.g., business regulations that impose special obligations on certain trades or professions).

Appointments and Special Conferrals of Corporate Powers Prohibited

The General Assembly is prohibited from appointing public officers. For example, while a law can provide generally for the appointment of a director of a public agency, it cannot appoint a specific individual as director. The General Assembly also is prohibited from enacting any special law that confers corporate powers. All laws conferring corporate powers must be in the form of general laws. For example, while the General Assembly can enact laws authorizing the formation of corporations, it cannot enact a law incorporating a specific corporation.

Home Rule Limitation

Under the Home Rule Amendment to the Ohio Constitution, municipalities have authority to exercise powers of local self-government, to adopt local police regulations, and to own and operate public utilities. Powers of local self-government relate to the internal organization and operation of municipal government. Police regulations relate to the peace, health, safety, and welfare of the municipality.

Because municipal home rule powers originate in the Constitution, a court may determine that a law passed by the General Assembly that interferes with those powers is invalid as applied to municipalities. For such a law to stand, the state would need to show that it is authorized by other sections of the Constitution or is otherwise permitted under standards set by the Ohio Supreme Court.

As a rule, the General Assembly cannot interfere with a municipality's exercise of its self-government authority, although it may enact procedural laws for municipalities that have not adopted charters. With regard to municipal police powers, municipalities cannot adopt police regulations that are in conflict with general laws of the state. A general law, for purposes of home rule analysis, is different from a law of a general nature for purposes of the uniformity provision described above. For home rule purposes, a general law must (1) be part of a statewide and comprehensive legislative enactment, (2) apply to all parts of the state alike and operate uniformly throughout the state, (3) set forth police, sanitary, or similar regulations, rather than purport only to grant or limit legislative power of a municipal corporation to set forth such regulations, and (4) prescribe a rule of conduct upon citizens generally.

Municipal Corporations

Ohio municipal corporations are of two types: cities and villages. A city has 5,000 or more people; a village has fewer than 5,000 people. The Ohio Municipal, Township and School Board Roster identifies all of the municipalities in Ohio and indicates whether a particular municipality has adopted a charter. It is available in electronic format on the Secretary of State's website.

ohioroster.ohiosos.gov/muni_townships.aspx

If a state law does not satisfy the four-part test, a municipality may lawfully act in conflict with it and the state's application of the law to municipalities may be held to be unconstitutional.

Other provisions of the Ohio Constitution allow the General Assembly to infringe on the home rule authority of municipalities. For example, the General Assembly may enact laws that restrict the municipal power to levy taxes and incur debt. Similarly, the Constitution authorizes the General Assembly to pass laws that fix and regulate the hours of labor and that provide for the comfort, health, safety, and general welfare of all employees.

For a more detailed discussion of home rule, see the *LSC Members Brief*, "[Municipal Home Rule](#)," available on the LSC website.

Lending of Governmental Credit Limited

With some exceptions, the Constitution prohibits the General Assembly from enacting any law that has the effect of extending the state's credit to any individual or corporation and

from enacting any law whereby the state becomes a joint owner of any company or association. The Constitution also prohibits the General Assembly from enacting any law that authorizes a county, city, or township to take similar actions. The General Assembly may not enact any law whereby the state assumes the debts of a county, city, township, or corporation unless the debt was contracted to repel invasion, suppress insurrection, or defend Ohio in war.

There are numerous, specific exceptions to these limitations. For example, the General Assembly may enact laws that authorize using the state's credit to make grants and guarantee loans to encourage the use of Ohio coal and to enact laws that authorize using state and local credit to finance industrial development and housing. The General Assembly also may aid private, nonprofit organizations, such as veterans' organizations, that carry out public functions.

Mills and Millage

Property taxes cannot exceed 1% of the tax valuation of the property taxed, except that property taxes that exceed this limit may be levied if they are specifically approved by the voters of the taxing district. For this reason, references often are made to voted and unvoted (or "outside" and "inside") millage. (A "mill" is 1/10 of a cent; a tax rate of ten mills per dollar of taxable value is equivalent to 1%.) Unvoted or inside millage refers to taxes that are levied inside the 1% limitation and therefore do not require approval by any authority other than the taxing authority of a district. Voted or outside millage refers to taxes that are levied outside or above the 1% limit and therefore must be approved by the voters of the taxing district.

Laws authorizing bonded indebtedness for which the state is generally liable for repayment must provide for the levying and collection of taxes sufficient to pay interest and retire the debt over a specified period of time. This requirement does not apply to bonded indebtedness, such as revenue bonds, that the state does not have a "general obligation" to pay. (A "revenue bond" is a bond that will be repaid solely out of money earned by the project the bond was sold to finance.)

Taxing Power Limitations

A law that levies a tax must state the purpose for which the tax is being levied. Revenue arising from the tax can be applied to only the stated purpose. Under a specific provision of the Ohio Constitution, taxes and fees derived from the registration, operation, or

use of motor vehicles on public highways, and from fuels used in propelling these vehicles, can be expended only for highways and bridges, traffic law enforcement, and care of indigent victims injured in motor vehicle accidents.

At least 50% of any income tax and any estate or inheritance tax collected by the state must be returned to the county, school district, city, village, or township in which the tax originated. (At present there is no estate tax or inheritance tax in Ohio.)

Poll taxes and taxes in the form of personal service are prohibited.

The General Assembly currently delegates its taxing power with respect to property to local governments. In general, land and improvements must be taxed by uniform rule according to their value. However, the General Assembly may enact laws that (1) reduce the value of homesteads occupied by certain elderly and disabled persons, (2) classify residential and agricultural land and improvements separately from other land and improvements for purposes of taxation, and (3) exempt from taxation lands and improvements that serve a public purpose.

Judicial Power Limited

The General Assembly cannot exercise judicial power. The only exceptions to this prohibition are impeachment and an alternative procedure for the removal of judges.

All state officers are subject to impeachment for misconduct while in office. The House of Representatives has the sole power to initiate an impeachment. “Impeachment” refers to the process by which the House brings charges of misconduct against a state officer. The charges are expressed in a special legislative instrument called “articles of impeachment.” A majority of the members elected to the House must vote to adopt each article of impeachment. The House of Representatives transmits the articles of impeachment to the Senate, which proceeds to try the charges to determine whether or not misconduct has in fact occurred as the articles allege. A 2/3 affirmative vote in the Senate is required for conviction upon any article of impeachment.

The General Assembly may remove state officers from office by impeachment. Impeachment and an alternative procedure for the removal of judges are the only judicial powers currently held by the General Assembly. There has not been an impeachment in Ohio since the early 1800s.

Upon impeachment and conviction, the General Assembly may not punish the individual further than by removal from office and disqualification from holding state government offices in the future.

The House and Senate, by a 2/3 vote of the members elected to each house, also may adopt a concurrent resolution removing a judge from office — but only after a complaint detailing the charges against the judge has been printed in the House and Senate *Journals* and the judge has been given notice of the complaint and an opportunity to be heard. This procedure for the removal of judges is the alternative to impeachment.

Court Rules of Practice and Procedure

Under the Modern Courts Amendment to the Ohio Constitution, the Ohio Supreme Court is required to adopt rules governing practice and procedure in all courts of the state. The General Assembly cannot enact any law that conflicts with the rules. The General Assembly has a veto power over the rules, however. The Supreme Court must file proposed rules with each house not later than January 15, and can amend the proposed rules until May 1. The proposed rules take effect on July 1 unless before that date the General Assembly adopts a concurrent resolution of disapproval.

Other Legislative Limitations and Prohibitions

There are a number of other limitations placed upon the General Assembly’s legislative power. The General Assembly, for the most part, may not enact retroactive laws. Laws that affect matters that have already occurred may be enacted only if they are remedial in nature. A law that has a substantive effect, such as one that declares certain conduct to be a crime, cannot apply to conduct that occurred before the law was enacted. However, a law that merely changes the way in which criminal charges are brought is only remedial and can affect charging with respect to criminal conduct that occurred before the law was enacted.

The General Assembly is limited in its power to pay unauthorized claims. Unless authorized by a 2/3 vote of the members elected to each house, the General Assembly cannot enact a law that provides for paying any claim that was not authorized by law at the time it was incurred.

The General Assembly generally cannot delegate its legislative power. Except in the case of laws affecting public schools, the General Assembly cannot enact any law that takes effect upon the approval of any authority other than the General Assembly. However, the General Assembly is not prohibited from delegating power to administrative agencies so long as the delegating legislation includes standards to guide the agency in executing the delegated power.

The General Assembly is required to enact laws fixing the terms and compensation of officers, but no change in either of these matters can affect the salary of an officer during a term unless the office is abolished.

Federal Jurisdiction

The states have delegated certain of their powers to the federal government. These “delegated powers,” which are embodied in the United States Constitution, are exercised under statutes enacted by Congress. Ohio, like the other 49 states, retains all the powers not delegated to the federal government. These “reserved powers” are embodied in the Ohio Constitution and the common law and are exercised under statutes enacted by the General Assembly and judgments made by the courts. Statutes and the common law are discussed in greater detail in [Appendix D](#).

When Congress acts within the scope of the power delegated to it by the United States Constitution, these federal laws preempt state laws on the same subject to the extent the two laws conflict. For example, the United States Constitution delegates to Congress the power to regulate interstate commerce. A federal law enacted within the scope of this power may preempt Ohio laws affecting interstate commerce.

When Congress acts outside the scope of its constitutionally delegated power, the General Assembly may accept, reject, or ignore the federal law. Often, though, Congress induces state acceptance by providing federal funds if the federal law is accepted and complied with or by withholding federal funds if it is not. An example of this type of federal inducement is the provision of federal funds to states that set the minimum age for drinking alcohol at 21 years.

The United States Constitution also places certain direct limitations upon the states. For example, the states cannot tax imports or exports of goods crossing their borders without Congressional consent. Another example is that the states cannot, without Congressional consent, enter into compacts or agreements with other states or foreign countries.

Membership in the General Assembly

The General Assembly is a two-house (bicameral) legislature consisting of the Senate and House of Representatives. The Senate has 33 members called Senators; the House has 99 members called Representatives. One Senator is elected from each Senate district, and one Representative is elected from each House district.

Qualifications for Membership

To hold office as a Senator or Representative, a person must meet certain qualifications. A person must:

- Be a qualified voter (that is, be a citizen of the United States who is 18 years of age or older, a resident of Ohio for at least 30 days, a resident of the county and precinct in which he or she votes, and registered to vote for at least 30 days);
- Be elected to the office;
- Be a resident of the Senate or House district from which he or she was elected for at least one year before the election unless absent from the district on the public business of the United States or of Ohio; and
- Present a certificate of election (when sworn into office).

A Senator or Representative must take an oath or affirmation to support the United States and Ohio Constitutions and to faithfully discharge the duties of the office.

In addition, a Senator or Representative who holds money in the public trust must account for those funds before taking a seat in the General Assembly.

Among the requirements for a person seeking the office of Senator or Representative is that the person be a qualified voter and be a resident of the district from which he or she was elected for at least one year.

Holding More Than One Office Prohibited

Senators and Representatives are prohibited from holding certain other offices and positions during their terms. Some of these prohibitions are imposed by the Ohio Constitution while others are imposed by statute. A detailed discussion of these prohibitions is included in [Chapter 3](#).

Legislative Elections and Terms of Office

Elections to the Senate and House of Representatives are held in even-numbered years. Terms of office begin on January 1 of the odd-numbered year following the election. Senators are elected to terms of four years with approximately 1/2 of the Senators being elected every other year. Senators from even-numbered districts are up for election at the same time. Senators from odd-numbered districts are up for election two years later. Representatives are elected to terms of two years. Unlike the Senate, the entire membership of the House is subject to election every even-numbered year.

Term Limits

Under the Ohio Constitution, a person cannot hold the office of Senator for longer than two successive four-year terms. A person cannot hold the office of Representative for longer than four successive two-year terms.

Terms are considered to be successive unless they are separated by four or more years. Consequently, a Senator or Representative who becomes ineligible for reelection under term limits becomes eligible for election to the same office again after a four-year absence from the office.

Under term limits, members elected to the General Assembly may serve eight consecutive years. Representatives are limited to four successive two-year terms. Senators are limited to two successive four-year terms.

Occasionally, members resign before the expiration of their terms. A person appointed or elected to fill a vacancy is not charged with the remaining portion of the term as long as four or more years have passed since that person last served in the same house. Because the eight-year clock does not start running in such cases until the next regularly scheduled election for a full term for that seat, a person who fills a vacancy may serve longer than eight years. However, the member who resigned is considered to have served the full term for purposes of determining his or her eligibility to run again.

Contested Elections

The Ohio Constitution makes each house the judge of the election, returns of the election, and qualifications of its members. Although this power is vested exclusively in the Senate and House, under the election contest laws, the courts perform an initial fact-finding function when a member's election is contested. The court does not resolve the contest, however. The court transmits the evidence to the Senate or House, and the Senate or House resolves the contest. The only limitation on the Senate and House in resolving an election contest with respect to one of its members is that neither house can declare a person to be eligible if the person is ineligible under the Ohio Constitution. Election contests involving seats in the General Assembly, once common, now rarely occur. The Revised Code authorizes a defeated candidate to apply for a recount and requires a recount if the margin of victory is not more than 0.5%. Election contests are explained in more detail in [Appendix C](#).

Resignations

The procedure by which a Senator or Representative may resign differs according to whether the General Assembly is in session at the time of resignation.

If the General Assembly is in session, a Senator who wishes to resign does so by presenting a letter of resignation to the President. A Representative who wishes to resign does so by presenting a letter of resignation to the Speaker. The President or Speaker verifies the letter's authenticity and, upon doing so, sends a letter of acknowledgment to the resigning Senator or Representative.

If, however, the General Assembly has adjourned without fixing a day for reconvening (*sine die*), thereby ending its session for the biennium, a Senator or Representative who wishes to resign does so by presenting a letter of resignation to the Governor. The Governor verifies the letter's authenticity and, upon doing so, sends a letter of acknowledgment to the resigning Senator or Representative.

An acknowledged resignation takes effect at the time specified in the letter of resignation.

If a resignation occurs while the General Assembly is in session, the Senate or House Clerk prints the letters of resignation and acknowledgment in the *Journal*.

Vacancies

When a vacancy occurs in the Senate or House of Representatives, a successor is elected by means of a resolution adopted by the Senators or Representatives who are affiliated with the same political party as the member who vacated the seat. The resolution is certified to the Secretary of State, who issues a certificate of election to the member-elect.

Vacancies in the Senate and House are filled by vote of the members affiliated with the same political party as the former member whose seat is vacant.

In the House, the person elected to fill the vacancy holds office for the remainder of the unexpired term. In the Senate, the person elected to fill the vacancy holds office for the remainder of the unexpired term only if the vacancy occurs after the first 20 months of the former Senator's term. If the vacancy occurs during the first 20 months of the former Senator's term, the person elected to fill the vacancy holds office only temporarily. At the next general election in an even-numbered year, the Senate district's voters elect a Senator to hold office for the last two years of the unexpired term. The Senator elected takes office on January 1 following the election.

Redistricting

General Assembly Districts

Procedure for Drawing Districts

Under a constitutional amendment that takes effect in 2021, the seven-member Ohio Redistricting Commission is responsible for dividing Ohio into Senate and House districts. The Commission is composed of the Governor, the Auditor of State, the Secretary of State, a person chosen by the Speaker of the House, a person chosen by the Minority Leader of the House, a person chosen by the President of the Senate, and a person chosen by the Minority Leader of the Senate. No appointed member of the Commission may be a current member of Congress. The Commission meets in each year ending in "1" on a date designated by the Governor. The Commission prepares and adopts a redistricting plan based upon the federal decennial census taken in the preceding year. The Commission is required to adopt the redistricting plan by September 15 and generally must do so by a specified bipartisan vote. Except in certain circumstances, the plan cannot be changed until the next decennial redistricting.

If a federal court or the Ohio Supreme Court invalidates the redistricting plan, the Commission is required to meet and prepare a new plan. A new plan must allow Senators and Representatives 30 days to change residence in order to be eligible for election under its provisions. The new plan generally cannot be changed until the next decennial redistricting.

District Populations

Given Ohio's 2010 census population of 11,536,504 people, the ideal population of a state House district is 116,530 while the ideal population of a Senate district is 349,591. The ideal populations are known technically as ratios of representation.

District Standards

In preparing the redistricting plan for the state House of Representatives and Senate, the Ohio Redistricting Commission first divides Ohio's population by 99. The resulting quotient is the "ratio of representation" in the House for the next ten years. The Commission then divides Ohio's population by 33. The resulting quotient is the ratio of representation in the Senate for the next ten years. The Commission then draws lines dividing the state into 33 Senate and 99 House districts.

In drawing district lines, the Commission is subject to the "one person, one vote" principle. Although the goal in drawing district lines under this principle is exact population equality among House and Senate districts, achieving absolute equality is practically impossible and some deviation from the ratios of representation is therefore unavoidable. Consequently, the population of each Senate and House district must be only substantially equal to the applicable ratio of representation, and a Senate or House district cannot contain less than 95% nor more than 105% of the applicable ratio of representation.

In drawing districts, the Commission must follow procedures to keep counties, municipal corporations, and townships together. And, the Commission must attempt to create a district plan that (1) is not drawn primarily to favor or disfavor a political party, (2) corresponds closely to the statewide partisan preferences of Ohio voters, and (3) includes compact districts.

House of Representatives Districts

Ohio House districts must be composed of contiguous territory that is bounded by a single, nonintersecting, continuous line. A county that has a population greater than 105% of the House ratio of representation is entitled to as many House districts wholly within its boundaries as it has whole ratios. (Any fraction of such a county's population in excess of the whole ratio is to be made part of only one adjoining House district.) A county that has a population between 95% and 105% of the House ratio of representation must be designated a House district. The remaining territory of the state must be divided into House districts by combining counties, municipal corporations, and townships. The Ohio Redistricting Commission must follow rules designed to minimize the number of political subdivisions split under the redistricting plan.

Senate Districts

Ohio Senate districts must be composed of three contiguous House districts. A county that has a population equal to one or more Senate ratios of representation is entitled to as many Senate districts wholly within its boundaries as it has whole ratios. (Any fraction of such a county's population in excess of the whole ratio is to be made part of only one adjoining Senate

district.) Counties having less than one whole Senate ratio but at least one whole House ratio are to be part of only one Senate district.

If a redistricting plan changes the boundaries of an existing Senate district and if a Senator's term will not expire within two years after the adoption of the plan, the Senator represents, for the remainder of that term, the new Senate district that contains the largest portion of the population of the old Senate district from which the Senator was elected. If more than one incumbent Senator would represent such a new Senate district by following this rule, the plan must designate which Senator is to represent the new district and which district each of the other Senators will represent for the remainder of his or her term.

Congressional Districts

Procedure for Drawing Districts

Similarly, Ohio's congressional districts must be redrawn in each year ending in "1" based upon the federal decennial census. Based on the 2010 census and the resulting reapportionment of U.S. House of Representatives seats by Congress, Ohio has 16 seats in the U.S. House, two fewer than it had under the 2000 census.

Beginning in 2021, the Ohio Constitution requires the General Assembly to adopt a congressional district plan by a specified bipartisan vote and in the form of a bill by September 30. If the General Assembly does not do so, the Ohio Redistricting Commission must adopt a plan by a specified bipartisan vote by October 31. And, if the Commission does not adopt a plan by that date, the General Assembly must adopt a plan by November 30. Except in certain circumstances, the plan cannot be changed until the next decennial redistricting.

If a federal court or the Ohio Supreme Court invalidates the redistricting plan, the General Assembly has 30 days to pass a replacement plan that remedies the legal defects but includes no other changes. If the General Assembly does not do so by that deadline, the Commission has another 30 days to adopt a replacement plan in the same manner.

District Standards

In preparing the redistricting plan for the U.S. House of Representatives, the authority drawing the districts must divide Ohio's population by the number of districts apportioned to the state. The resulting quotient is the congressional ratio of representation for the next ten years.

The authority drawing the districts is subject to the "one person, one vote" principle. In general, the district populations must be as equal as practicable. Congressional districts must be

The "One Person, One Vote" Principle

In 1964, the United States Supreme Court ruled that under the Equal Protection Clause of the 14th Amendment, the government must ensure that the vote of a person in one district is as nearly equal as practicable to the vote of a person in every other district.

Prior to this decision, Ohio's state Senate and House districts were based roughly on population, but district boundaries followed county lines, and beginning in 1903, every county was required to have at least one representative. Similarly, congressional districts were not required to have equal populations. Under that system, a member from one district might have represented significantly more or fewer constituents than a member from another district, especially in the Ohio House. The votes of persons in some districts thus counted for more or less than did the votes of persons in other districts.

composed of contiguous territory that is bounded by a single, nonintersecting, continuous line. The authority also generally must follow procedures to keep districts compact and to keep counties, municipal corporations, and townships together instead of splitting them between districts.

If the General Assembly passes a congressional district plan by a simple majority vote instead of by the specified bipartisan vote, additional district standards apply, including requirements that the plan not unduly favor or disfavor a political party or its incumbents and that the plan not unduly split governmental units.

Chapter 3

Legislative Benefits, Privileges, and Restrictions of Office

Image courtesy of the Capitol Square Review and Advisory Board



Statehouse Atrium

What Members Can Expect Following Election

Members-elect should expect to be very busy during the weeks following the November election. Even before the next session of the General Assembly officially begins in January, newly elected legislators may be invited to attend pre-session caucus meetings and orientation sessions. In January, the General Assembly formally organizes for business by electing officers, adopting procedural rules, and appointing committees. Members also are occupied with organizing their own offices during this time.

Members-Elect: Rights and Privileges

Following the November elections in each even-numbered year, the Secretary of State certifies the election results and verifies that each new member was duly elected by the voters of his or her district. By mid-December, each verified newly elected member receives a certificate of election from the county board of elections in preparation for the January swearing-in ceremonies held in Columbus at the Statehouse.

The law permits a member-elect to establish a transition fund and to accept donations to that fund to defray costs incurred for transition activities and inaugural celebrations. A transition

fund may be used to pay costs incurred for office expenses; salaries for transition personnel; consulting fees; and food, beverages, and entertainment at an inaugural celebration. If a member-elect establishes a transition fund, the member-elect must designate a treasurer for the fund, and the treasurer must file with the Secretary of State itemized statements describing each donation and disbursement. A transition fund must be liquidated and abolished within a specified period after its formation.

To assist new members, the Legislative Service Commission (LSC), the research and bill drafting agency of the General Assembly, will accept research and bill drafting requests from members-elect any time after the November elections. However, newly elected members' requests for research and bill drafts, and responses to those requests, are not entitled to the statutory confidentiality provided for communications between installed members of the General Assembly and LSC staff. For information on confidentiality, see [Chapter 9](#).

No other formal rights or privileges are granted to new members of the General Assembly until after the swearing-in ceremonies. Offices, committees, and staff are not assigned until the new General Assembly convenes in January.

Orientation Meetings

Under the direction of the LSC chairperson and vice-chairperson, LSC staff coordinate and host a pre-session orientation, and usually, all members are invited. Attendance, although voluntary, is encouraged, and LSC pays most of the expenses. The orientation meetings provide basic information to members and address topics ranging from process to policy. Other public agencies and private groups also may offer activities and seminars designed to help newly elected members learn more about a particular group or issue and to enable interest groups to meet new members. In addition, the four political party caucuses sometimes have informal workshops or seminars on issues and the operation of a legislative office.

Rights and Immunities of Elected Members

Members receive additional privileges once they have taken the oath of office. To ensure that members of the General Assembly are free to perform their tasks without undue influence or harassment, the Ohio Constitution, state laws, court decisions, and the rules of each house grant legislators certain legislative rights and immunities.

Immunity from Arrest

The Ohio Constitution grants members of the General Assembly immunity from arrest during session and while going to and returning from session, except in cases of treason, felony, and breach of the peace. However, the courts have interpreted "breach of the peace" to include all criminal offenses, so the immunity actually applies only to rare cases of civil arrest. The Constitution also says that members "shall not be questioned elsewhere" for any speech or debate in either house. This means, among other things, that members are not personally liable for their legislative acts. The Revised Code places certain procedural restrictions on civil arrests against members while they are in session or traveling to or from session.

Protection from Intimidation

The criminal offense of intimidation prohibits a person, knowingly and by force or unlawful threat of harm, from attempting to influence, intimidate, or hinder a member in the discharge of his or her duty. The offense of intimidation also prohibits a person from knowingly attempting to influence, intimidate, or hinder a member in the discharge of his or her duty by filing, recording, or otherwise using a materially false or fraudulent writing with malicious purpose, in bad faith, or in a wanton or reckless manner. In addition to being guilty of a third degree felony, a person who commits this offense against a member is civilly liable to the member for harm incurred as a result of the violation and for reasonable attorney's fees, court costs, and other expenses incurred in prosecuting the civil action.

To ensure that members of the General Assembly are free to perform their tasks without undue influence or harassment, the Ohio Constitution, state laws, court decisions, and the rules of each house grant legislators certain legislative rights and immunities.

Parliamentary Privileges

The Ohio Constitution, the Rules of the Senate, and the Rules of the House of Representatives offer legislators certain parliamentary privileges and govern the way the General Assembly conducts business. While constitutional privileges are permanent, the House and Senate adopt new rules each session and can amend those rules during a legislative session. The Rules discussed below are those of the 134th General Assembly. Copies of the House Rules and the Senate Rules are available at the Publications link on the General Assembly's website (www.legislature.ohio.gov).

Under the Ohio Constitution, a majority of the elected members must be present to constitute a quorum to do business. However, a lesser number may adjourn from day to day and compel the attendance of absent members. Any member of either house may protest against any act or resolution of the member's house. A member's official protest and the reason for it must be entered in the *Journal* without delay or change.

The Rules of the House and Senate specify how sessions are conducted. For example, the Rules of both houses permit members, before the roll is called, to make a request to explain their votes. If the request is granted, the member's statement may not exceed two minutes.

The House Rules generally permit any member to explain a personal matter. In doing so, the member may not discuss a question or issue, and the explanation may not continue more than five minutes unless more time is granted by consent of the House.

Members in both houses may read from books or other material relevant to the question being discussed. The Rules of the two houses include additional, although not identical, parliamentary privileges such as calling for a statement of the question, a roll call, or verification of a vote.

Restrictions of Office

Although legislators are afforded certain rights and immunities by virtue of their office, they must exercise their authority as elected officials within the restrictions imposed by ethics and campaign finance laws. These laws regulate campaign finances and practices, disclosure of financial information, conflicts of interest, relationships with legislative agents, honorariums, and abuse of governmental office.

The Ohio Campaign Finance Law

The Ohio Campaign Finance Law contains detailed provisions regulating the use and disclosure of campaign contributions and expenditures. The campaign committee of a candidate for the General Assembly generally must file a campaign finance statement, in which contributions and expenditures are identified, for each of several reporting periods. Ordinarily the statement must be filed with the Secretary of State electronically if contributions for the reporting period equal or exceed \$10,000. However, the Secretary of State must adopt rules permitting the campaign committee of a candidate for the General Assembly who receives contributions exceeding \$10,000 to file paper campaign finance statements under certain circumstances. If contributions total less than \$10,000 for the reporting period, the campaign committee may file an electronic statement with the Secretary of State or a paper statement with the board of elections of the most populous county within the district. The Campaign Finance Law applies to all candidates and their campaign committees. The boards of elections must provide each candidate with a copy of the Campaign Finance Law and any other materials that the Secretary of State requires.

Ohio law also regulates campaign practices. The law prohibits certain entities from disseminating written campaign materials or broadcasting campaign communications by means of radio or television unless the entities responsible for these materials or communications are properly identified. Generally, entities affected under this law include candidates, campaign

Campaign Finance Law Note

Members should use this section of the *Guidebook* as an overview only. For detailed and up-to-date information about the campaign finance laws, members should consult the *Campaign Finance Handbook*, which is prepared by the Secretary of State and can be viewed at and downloaded from:

www.ohiosos.gov/campaign-finance/campaign-finance-handbook/

committees, legislative campaign funds, political parties, political action committees of ten or more members, and political contributing entities of ten or more members. Other guidelines exist for political action committees of under ten members and political contributing entities of under ten members. (The United States Supreme Court has held that individuals may disseminate anonymous campaign literature.) Ohio law also prohibits certain unfair campaign activities and certain campaign activities involving misrepresentation, but federal courts have limited the prohibitions that the state may enforce.

Ohio law requires that certain persons file campaign finance statements pertaining to disbursements for the direct costs of producing or airing an “electioneering communication.” Persons or entities who are not affiliated with a candidate’s campaign but who, during the periods leading up to the primary and general elections, spend more than \$10,000 in any year on television and radio ads that clearly identify a

candidate for public office must file an itemized statement of disbursements with the Secretary of State.

The Ohio Ethics Law

The Joint Legislative Ethics Committee

The Ohio Ethics Law establishes a Joint Legislative Ethics Committee (JLEC) and the Office of the Legislative Inspector General. The Office provides staff assistance to JLEC. Composed of 12 legislators, JLEC must do all of the following:

- Recommend a Legislative Code of Ethics to govern the members and employees of and candidates for the General Assembly;
- Report findings of violations of the law to the appropriate prosecuting authority; and
- Advise General Assembly members, employees, and candidates on questions relating to ethics, possible conflicts of interest, and financial disclosure.

JLEC adopts rules regarding the Ethics Law and may do all of the following:

- Recommend legislation relating to the conduct and ethics of members and employees of and candidates for the General Assembly;
- Receive or initiate, and investigate and hear, complaints alleging misconduct, breach of privilege, or violation of the Legislative Code of Ethics; and
- Recommend appropriate sanctions for violations.

Ethics Law Note

Members should use this section of the *Guidebook* as an overview only. For detailed and up-to-date information about the ethics laws, members should consult the Legislative Code of Ethics, Chapter 102 and sections 2921.42 and 2921.43 of the Revised Code, and the advisory opinions of the Joint Legislative Ethics Committee. Questions about the propriety of specific actions should be directed to the Joint Legislative Ethics Committee or the Office of the Legislative Inspector General.

At the beginning of each session, JLEC recommends a Legislative Code of Ethics to the General Assembly not later than 30 days after the first day of the session. Within ten days after its adoption, the Code is distributed to all members. Within 15 days after the commencement of a member's duties, the General Assembly gives the member a copy of the Ethics Law and any other materials JLEC prepares for distribution.

Advisory Opinions and Private Written Opinions

JLEC provides advice to members in the form of advisory opinions and private written opinions. Both types of opinions state JLEC's position regarding the ethical appropriateness of specified

actions under a set of hypothetical circumstances. Private opinions may be converted into advisory opinions upon both request and approval of the Committee. Advisory opinions are public records and provide immunity from criminal prosecutions, lawsuits, and actions for removal from office based on activities approved by the opinion. Private written opinions are not

public records and do not grant immunity. Advisory opinions and additional information about JLEC and the Office of the Legislative Inspector General are available at www.jlec-olig.state.oh.us.

Financial Disclosure Statements

Candidates for, and members and certain employees of, the General Assembly are required to file financial disclosure statements with JLEC. The Ethics Law requires that members disclose in these statements specified types of financial information, sources of income, and holdings. Election officials furnish financial disclosure forms to candidates for the General Assembly, and JLEC provides the financial disclosure forms to members of the General Assembly.

Conflicts of Interest

Ohio law prohibits all of the following actions associated with conflicts of interest:

- Disclosing or using confidential information without proper authorization;
- Participating in certain rate-making and licensing proceedings;
- Using or authorizing the use of the authority or influence of a member's public office to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the member with respect to the member's duties;
- Soliciting or accepting anything of value that is of such a character as to manifest a substantial and improper influence upon a member with respect to the member's duties;
- Receiving compensation other than from the General Assembly for rendering any service in a matter before the General Assembly or a state agency other than the courts;
- Selling, except through competitive bidding or under specified circumstances, any goods or services to the General Assembly or a state agency other than the courts;
- Having an unlawful interest in a public contract;
- Soliciting or accepting extra compensation to perform official duties or any other act or service in a member's public capacity;
- Soliciting or accepting anything of value in consideration for any appointment, employment, or term of employment of any person; and
- Coercing a political contribution in consideration for any appointment, employment, or term of employment of any person.

Obtaining a Joint Legislative Ethics Committee Opinion

Legislators who would like to obtain an opinion from JLEC must do the following:

1. Send a written description of the activity in question to the Office of the Legislative Inspector General or the chairperson of JLEC;
2. Specify the type of opinion requested (advisory or private written opinion).

Relationships with Lobbyists

The Revised Code refers to lobbyists who lobby members of the General Assembly as “legislative agents.” The Ethics Law places restrictions on a member’s relationship with legislative agents. Members who have certain business relationships with a legislative agent may not vote on any legislation that the legislative agent or legislative agent’s employer actively advocates. Relationships that preclude a member from voting are those in which the member is an employee; a business associate; or a person, other than an employee, who is hired under contract to perform certain services and the position involves the formulation of public policy.

A member of the General Assembly may not knowingly accept any of the following from a legislative agent:

- The payment of any expenses for travel or lodging, except in specified circumstances;
- The payment of more than \$75 per calendar year for meals and other food and beverages, other than meals and other food and beverages provided in specified circumstances. A member may avoid violating this prohibition if, within 60 days after receiving notice from a legislative agent that the member has exceeded the \$75 limit, the member returns to the legislative agent the amount received in excess of \$75; or
- A gift of anything with a value of more than \$75. The Legislative Code of Ethics more clearly limits what members may accept from a legislative agent per calendar year. The Legislative Code of Ethics specifies that a member may not knowingly accept from a legislative agent a gift of any amount in the form of cash or the equivalent of cash, or a gift or gifts of any other thing of value if the value of the gift or gifts aggregated per calendar year exceeds \$75. For the purposes of this prohibition, “gift” does not include campaign contributions or gifts of meals and other food and beverages or the payment of travel expenses incurred in connection with the member’s official duties.

Honorariums

A member of the General Assembly may not solicit or accept payment (an honorarium) made as consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. This prohibition does not apply to earned income from any person, other than from a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business so long as that business began before the member was elected or appointed to the General Assembly. A member may accept payment for travel expenses and meals in limited circumstances. A member also may accept ceremonial gifts or awards that have insignificant monetary value, unsolicited gifts of nominal value, or trivial items of informational value.

Abuse of Governmental Office

The Ohio Criminal Code prohibits a member from doing any of the following:

- Committing a theft offense by using the member’s office in aid of committing the offense, by permitting the use of the member’s office in aid of committing the offense, or when

the property or service involved is owned by a government, a political party, or a campaign fund;

- Engaging in dereliction of duty by recklessly failing to perform a duty expressly imposed by law with respect to the member's office or recklessly doing any act expressly forbidden by law with respect to the member's office;
- Interfering with civil rights under color of the member's office by knowingly depriving, or conspiring or attempting to deprive, any person of a constitutional or statutory right;
- Engaging in bribery by knowingly soliciting or accepting any valuable thing or benefit to corrupt or improperly influence the member or another public servant or party official with respect to the discharge of the member's or other public servant's or party official's duty; and
- Engaging in coercion by taking, withholding, or threatening to take or withhold official action in order to coerce a person into taking or not taking an action concerning which that person has a legal freedom of choice.

Appointments and Employment

There are a number of boards and commissions on which members of the General Assembly may serve. Some of these bodies are established by statute and are permanent in nature while others are created on an ad hoc basis.

Members of the General Assembly are prohibited from accepting certain appointments and positions of employment. A member may not, during the term for which the member was elected, hold any federal, state, or local public office unless the member resigns from the General Assembly during the term. This prohibition does not extend to officers of a political party, notaries public, or officers of the Ohio organized militia or of the United States armed forces. A member also is prohibited from being appointed to an Ohio public office during the member's term of office, and for one year thereafter, if the public office was created, or the compensation of the public office was increased, during the member's term of office.

A member of the General Assembly may not knowingly accept any of the following appointments or positions of employment:

- A trustee, officer, or manager of a benevolent, educational, or correctional institution that is authorized, created, or regulated by the state and that is supported by state funds;
- A member of any committee or commission that is authorized or created by the General Assembly and that provides compensation other than actual and necessary expenses;
- Any appointment, office, or employment from any committee or commission that is authorized or created by the General Assembly and that provides compensation other than actual and necessary expenses; and
- Any appointment, office, or employment from any executive or administrative branch or department that provides compensation other than actual and necessary expenses.

Any member of the General Assembly who accepts any of these appointments or positions of employment must immediately resign from the General Assembly. The seat of any member who does not resign is deemed vacant. Before accepting a potential appointment or employment opportunity, a member may ask JLEC whether it would be appropriate to accept the position.

Because the enumerated restrictions are established by statute, they can be superseded by another statute. For example, the law permits legislator members of the Controlling Board and Joint Committee on Agency Rule Review to receive per diem compensation.

Salaries and Leave

Members are guaranteed an annual salary by statute and receive a paycheck at the beginning of each month. In 2018, the General Assembly changed the compensation for Ohio's legislators. The legislation increased the base annual salary in 2019 and 2020 by 4%, with annual increases through 2028 as follows:

- 3% in 2021; and
- 1.75% in 2022 through 2028.

Members who hold leadership positions receive higher salaries. Members who serve in specified positions on standing committees and subcommittees also receive an annual salary supplement. No member, however, may receive more than one supplement for a committee position regardless of the number of committees on which the member serves.

Member salaries for 2021 and 2022 and committee position supplements are shown in the four tables on the following page.

Although state employees are eligible for sick leave, vacation leave, personal leave, and disability leave, members of the General Assembly do not qualify for these types of leave. Members are considered “officers” rather than “employees” of the state. A member who is absent from session due to illness or other reasons can continue to receive a paycheck if the absence is excused by formal action of the appropriate house. If a member dies in office, the law provides for the continued payment of the member’s salary to certain individuals. As implemented by the House and Senate, any portion of the salary that has not been paid to the member is paid in monthly installments to his or her surviving spouse, children, mother, or father, in that order.

Salaries for Members, Leaders, and Selected Committee Officers of the General Assembly (amounts rounded)

House of Representatives		
Office	2021 Salary	2022 Salary
Speaker	\$105,207	\$107,048
Speaker Pro Tempore	\$95,992	\$97,672
Minority Leader	\$95,992	\$97,672
Majority Floor Leader	\$90,419	\$92,001
Assistant Minority Leader	\$87,640	\$89,174
Assistant Majority Floor Leader	\$84,856	\$86,341
Majority Whip	\$79,290	\$80,678
Minority Whip	\$79,290	\$80,678
Assistant Majority Whip	\$73,722	\$75,012
Assistant Minority Whip	\$70,609	\$71,845
Member	\$67,493	\$68,674

Senate		
Office	2021 Salary	2022 Salary
President	\$105,207	\$107,048
President Pro Tempore	\$95,992	\$97,672
Minority Leader	\$95,992	\$97,672
Assistant President Pro Tempore ¹	\$90,419	\$92,001
Assistant Minority Leader	\$87,640	\$89,174
Majority Whip	\$84,856	\$86,341
Minority Whip	\$79,290	\$80,678
Assistant Minority Whip	\$70,609	\$71,845
Member	\$67,493	\$68,674

Committee Positions Supplement (amounts rounded)

House and Senate Finance Committee	
Position	Current Supplement
Chairperson	\$13,500
Vice-Chairperson	\$7,500
Ranking Minority Member	\$9,000
Standing Subcommittee Chairperson ²	\$9,000
Standing Subcommittee Ranking Minority Member ²	\$6,750

Other House and Senate Standing Committees	
Position	Current Supplement
Chairperson	\$9,000
Vice-Chairperson	\$6,750
Ranking Minority Member	\$6,750
Standing Subcommittee Chairperson ²	\$6,750
Standing Subcommittee Ranking Minority Member ²	\$3,250

¹ R.C. 101.27 establishes the salary for the Senate leadership position, “Assistant President Pro Tempore.” For the 134th General Assembly, the Senate elected a “Majority Floor Leader” as its third-ranking majority leadership position instead. Presumably, the “Majority Floor Leader” would receive the salary established for the “Assistant President Pro Tempore.”

² During the 134th General Assembly, the Senate did not name any standing subcommittees, and the House named standing subcommittees only for the Finance Committee.

Travel Expenses

Members of the General Assembly who reside outside of Franklin County receive mileage reimbursement for one round trip by the most direct route between their homes and the Statehouse for each week they are in Columbus on official business. Reimbursement is paid quarterly in arrears and is based on the cents-per-mile rate established for state travel reimbursement by the Director of Budget and Management. Each member's mileage is certified by the adoption of a resolution. A member who moves during his or her term of office must report the move to their respective Clerk's office so that a new mileage resolution may be adopted to reflect the change in distance.

Members of the General Assembly do not receive an allowance or reimbursement for the expenses they incur for meals when they come to Columbus for legislative sessions. However, members of the House of Representatives who live at least 60 miles from Columbus may request a reimbursement of up to \$65 per night for lodging expenses for each day a standing committee or standing subcommittee on which that member serves meets and each day a voting session occurs. Lodging reimbursement is limited to hotel or motel expenses. Legislators who are also members of certain boards or committees, such as the Controlling Board or the Joint Committee on Agency Rule Review, do receive a stipend when they come to Columbus to attend meetings.

Offices

Members of the General Assembly are provided with staff assistance, office space, furniture, office equipment, supplies, and postage. Office space for most Senators is in the Senate Building and office space for Representatives is in the Riffe Center. The Senate President, Senate Minority Leader, and Speaker of the House have offices in the Statehouse. Several other House leaders also have secondary offices in the Statehouse. The General Assembly does not provide members with offices in their districts.

Parking

Each Senator has a reserved parking space in the Statehouse underground parking garage. Each Representative has a reserved parking space in the Riffe Center parking garage. Parking privileges are assigned by the Speaker of the House and the Senate Clerk.

Mail

The Senate mail room and House document services handle incoming and outgoing mail. Stationery is available from the Senate Clerk's Office and the House Administrative Office. Business cards and note cards are also available to members. Because allowances for postage and stationery differ between the two houses, members should consult the appropriate office for current limits.

Telephones and Information Technology

Computers, software, and internet access are available to members of the General Assembly, and telephones are available to members in their offices. In addition, a dedicated computer on each member's desk in the House and Senate chambers allows the member to view legislative documents pertaining to that day's session. There are also laptops and iPads available

for use during session times, should the need arise. Legislative documents including bills, bill analyses, fiscal notes, testimony, and meeting minutes are available on iPads provided to members for use during committee hearings.

For assistance with telephones and computer-related matters, Representatives should contact the House IT Help Desk at (614) 466-9512, and Senators should contact the Senate IT Help Desk at (614) 995-0263.

Benefits

Members of the General Assembly are eligible for a number of benefits programs administered by the Department of Administrative Services (DAS). These benefits programs include health insurance; vision, dental, and life insurance; health care spending accounts; and dependent care spending accounts; among others.

Members of the General Assembly may enroll in a state's self-insured health insurance plan within 31 days after taking office. Coverage is offered on a single or family basis with the cost of the premium depending on the coverage selected. The state and the member share the cost of the monthly premium. The member's share of the plan is paid through automatic payroll deduction. Members who do not enroll within this period may not enroll except during the next open enrollment period or following specified qualifying events.

Vision and dental care coverage are available to a member and dependents after the member has completed one year of continuous state service. Currently, the cost of premiums for vision and dental care coverage is entirely paid by the state.

The specifics of health insurance, vision and dental, and other benefits programs generally change annually. Before each year's open enrollment starts, DAS makes available to all state employees, including members, an updated *MyBenefits Guide* to assist with benefits program choices. The latest benefits guide may be accessed on the DAS website at das.ohio.gov/Divisions/Human-Resources/Benefits-Administration.

Deferred Compensation

Members may participate in the Ohio Public Employees Deferred Compensation Program. The program is a form of voluntary savings and investments that defer taxes and supplements future retirement income. Program contributions may be made only by payroll deduction. Salary deferrals may be allocated among a variety of fund options with varying levels of risk on investment. There is also a range of target-date funds suited to the participant's anticipated year of retirement, as well as a stable value option. A member may receive payments from the program only on separation from service, death, or for an unforeseen financial emergency. Program details are available on the Ohio Public Employees Deferred Compensation Program website (www.ohio457.org/home). Information about the program can also be obtained from the House Administrative Office or the Senate Fiscal Office.

Ohio Public Employees Retirement System

The Ohio Public Employees Retirement System (OPERS) provides age and service retirement and disability and survivor benefit programs for public employees of state and local

government. A member of the General Assembly who is not already an OPERS member or retiree may join OPERS but is not required to do so.

Currently, OPERS offers three plans for retirement: the Traditional Plan (a defined benefit plan), the Member Directed Plan (a defined contribution plan), and the Combined Plan. A new OPERS member must elect a plan within 180 days after beginning employment. A member who fails to make this election is placed in the Traditional Plan. A member may switch to a different plan one time during the member's career. Over 75% of OPERS members are enrolled in the Traditional Plan.

If a member of the General Assembly joins OPERS, both the member (by payroll deduction) and the House or Senate contribute to the member's retirement. Currently, a member's contribution is the statutory limit of 10% of earnable salary. A member may elect to contribute amounts beyond the required contribution to receive an additional annuity on retirement. The current contribution rate paid by the House or Senate is the statutory limit of 14%. Earnable salary includes all salary, wages, and other earnings paid by reason of employment. It does not include employer paid amounts for insurance, reimbursement for job-related expenses, or other incidental benefits

More information about membership, retirement plans and benefits, and service credit, is available on the OPERS website (www.opers.org) and in [Appendix H](#). OPERS has published a brochure specifically describing how OPERS impacts elected officials. The brochure is available at www.opers.org/pubs-archive/leaflets/2019-03-ISL-H-Elected-Officials.pdf.

Chapter 4

Organizing the General Assembly



Image courtesy of the Capitol Square Review and Advisory Board

House Chamber

Convening the General Assembly

Newly elected legislators formally take office when the General Assembly convenes on the first Monday in January in each odd-numbered year (or on the next day if the first Monday is a legal holiday). Each General Assembly meets during a two-year period or biennium that is divided into two annual regular sessions. Bills introduced in the first session year are carried over to the second year. Bills not enacted by the end of the second session die and are not carried over to the next biennium.

Since 1803, each General Assembly has been referred to by number. Under the state's first constitution, a new General Assembly met every year. Under the present constitution, which took effect in 1852, a new General Assembly has convened every other year. The 134th General Assembly convened in January 2021.

Either the Governor, or the presiding officers of the General Assembly, acting jointly, may convene the General Assembly in special session by issuing a proclamation. Special sessions called by the Governor are for specified purposes, and, except for providing for session expenses and related matters, no other business may be transacted by the General Assembly during such a session. The General Assembly's presiding officers may limit the purpose of a special session they call, but are not required to do so.

The Oath of Office for the General Assembly

I, _____, do solemnly swear to support the Constitution of the United States, and the Constitution of the State of Ohio, and faithfully to discharge and perform all of the duties incumbent upon me as a member of the Ohio Senate (House of Representatives) according to the best of my ability and understanding; and this I do as I shall answer unto God.

As required by the Ohio Constitution, the General Assembly prescribes each house's mode of organization by law, and each house chooses its own officers and generally determines its own rules of procedure. A majority of all the members elected to each house constitutes a quorum to conduct business. If a quorum of members is not present, members of that house who are present may direct the Sergeant-at-Arms to compel the attendance of absent members. If the members present decline to excuse an absent member, the absent member is not entitled to compensation during the absence and is liable for all expenses incurred in producing the member's attendance.

Convening the Senate

At 1:30 p.m. on the first session day of a new General Assembly, the Senate President from the preceding biennium calls the Senate to order. Traditionally, the Senate opens each session with an invocation by a member of the clergy. The President calls the roll of all senatorial districts in numerical order. As they are called, the Senators-elect present their certificates of election and take the oath of office. The next few weeks are usually devoted to electing officers and other Senate officials, adopting rules, and making committee appointments.

Convening the House of Representatives

At 2:00 p.m. on the first session day of a new General Assembly, the Speaker of the House from the preceding biennium calls the Representatives-elect to order and appoints one of them Clerk Pro Tempore. By tradition, the House opens the session with an invocation by a member of the clergy. The Speaker calls the roll of the districts in numerical order and, as they are called, the Representatives-elect present their certificates of election and take the oath of office. As in the Senate, the next few weeks are largely devoted to electing officers and other House officials, adopting rules, and organizing committees.

Legislative Leadership

In both the Senate and the House, the members of the majority and minority parties elect several of their members as leaders. While the entire membership of each house actually votes on the election of leaders, selections generally have been made by the members of each party prior to the date of this formal election. These leaders have primary responsibility for developing their parties' positions on legislative proposals.

The Senate President is the presiding officer of the Senate and the Speaker of the House is the presiding officer of the House. The Ohio Constitution requires the presiding officers to sign all bills and joint resolutions enacted by the General Assembly to certify that the procedural requirements for passage have been met.

In addition to the Senate President, the members of the Senate elect other leaders. The Senate typically elects a President Pro Tempore, a Majority Floor Leader, a Majority Whip, a Minority Leader, an Assistant Minority Leader, a Minority Whip, and an Assistant Minority Whip.

In addition to the Speaker of the House, other House leaders generally include a Speaker Pro Tempore, a Majority Floor Leader, an Assistant Majority Floor Leader, a Majority Whip, an Assistant Majority Whip, a Minority Leader, an Assistant Minority Leader, a Minority Whip, and an Assistant Minority Whip.

One device the leaders of both parties use to establish party positions is the party caucus. A party caucus is a meeting of the members of the same political party within a particular house. It is held at the call of the party leadership and occurs frequently throughout the session. Party caucuses may or may not be open to the public.

Other Senate and House Officials

Both houses elect and appoint clerks and other administrative staff to assist them in carrying out the work of the General Assembly. The Senate and House each elect a Clerk who appoints various assistant clerks. The Clerk keeps a record of all bills and resolutions introduced and provides for the preparation and distribution of bills, resolutions, reports, and all other legislative documents. The House hires a Chief Administrative Officer, who performs various administrative duties and supervises administrative staff other than those assigned to the Clerk.

The House and Senate hire a Sergeant-at-Arms. These officials are responsible for maintaining order in the chambers, halls, galleries, corridors, and committee rooms in the Statehouse. The House Sergeant-at-Arms also is responsible for maintaining order in the corridors, committee rooms, offices, and other areas under the exclusive use and control of the House in the Vern Riffe Center in which members' offices are located. The Sergeants-at-Arms also enforce the rules, serve subpoenas and warrants, and, upon call of the membership, bring absent members to the chambers.

The House and Senate Clerks serve two-year terms. The Clerks, Sergeants-at-Arms, and Chief Administrative Officer of the House must assist in the organization of the next session of the General Assembly. Typically, the elected officers hold office on the first day of the new General Assembly until new officers are sworn in. For additional information on staff services, see [Chapter 9](#).

Adopting Rules

At the beginning of the session, both the Senate and the House adopt rules of procedure, which are printed in the *Journal*. Although the House of Representatives and the Senate may use slightly different terminology, rules typically cover the following topics: time of convening, order of business, duties of elected officers, committees, duties of committee chairpersons, committee meetings and procedure, committee records and reports, duties and decorum of members, debate and voting procedures, and privileges. The rules are available at the Publications link on the General Assembly's website (www.legislature.ohio.gov).

In addition to the rules that are adopted by each house, joint rules may be adopted by both houses. Joint rules apply when members from both houses are officially acting together (for

example, during committees of conference or when the houses have jointly convened to hear the Governor's State of the State message early in each calendar year). In the past, joint rules also covered such inter-house matters as the membership and procedures of conference committees and joint select committees, procedures for reconsidering legislation vetoed by the Governor, and the drafting and form of bills. If the General Assembly does not adopt joint rules, it refers to parliamentary guides to resolve matters concerning both houses.

Chambers and Committee Hearing Rooms

The House of Representatives and the Senate meet in separate chambers in the Statehouse. At the beginning of the session, the House and Senate assign committee rooms and schedule the time at which committees are to hold regular meetings. Most Senate committee meetings are held in the Senate Building; House committee meetings are held in the Statehouse.

Seating Assignments

The clerks within each house coordinate the seating arrangements for members within their respective chambers. Traditionally, members of the Republican Party have been seated to the presiding officer's right in each house while members of the Democratic Party have been seated to the presiding officer's left. It also is the tradition of both houses to allow leadership and senior members to select their own seats. Each house provides some seating on the chamber floor for members of the news media.

Adjourning the General Assembly

Once a General Assembly has convened, neither house may adjourn for more than five days, excluding Sunday, without the consent of the other house. However, either house may adjourn from day to day. In the case of disagreement between the two houses over the time of adjournment, the Governor has the power to adjourn the General Assembly, but not beyond its next regular meeting time specified in the Ohio Constitution.

The Committee System

One of the most important parts of the organizational structure of the House and the Senate is the committee system, which allows the General Assembly to manage the significant volume of legislation introduced in each house. To determine the number of bills introduced in past legislative sessions, refer to the [Status Reports](#) at the Legislation link on the General Assembly's website (www.legislature.ohio.gov). The committee system enables the General Assembly to consider legislation more thoroughly by dividing the task of scrutinizing and amending legislation among committees. There are several types of committees on which legislators might serve.

Committee Assignments

The Senate President names the standing committees of the Senate and appoints their members, ranking minority members, and chairpersons at the beginning of session. The Minority Leader of the Senate may recommend minority party members and the ranking minority member for each committee. The chairpersons and members of House committees are appointed by the Speaker. Generally, the Speaker accepts the recommendations of the minority party leadership

regarding the appointment of minority party members to committees. The number of minority members on standing committees is governed by custom in both houses and usually reflects the proportion that the minority bears to the total membership. An exception to this rule is the Finance Committee and the Rules and Reference Committee, for which House Rules specify that the chairperson and vice-chairperson are not included when calculating the committee's partisan composition. Committee assignments for members generally are based on an individual member's seniority, interests, or subject matter expertise. The Minority Leader of the House may designate a ranking minority member on each committee.

Much of the substantive work of the General Assembly is conducted in its standing committees.

The House and Senate Rules also specify that certain members of leadership may serve on or are members of committees in addition to the ones to which they have been designated as regular members. The Speaker, Minority Leader, and Speaker Pro Tempore of the House are ex officio, nonvoting members of all House committees except those where they are regular committee members. The House Minority Leader may designate the Assistant Minority Leader to be a nonvoting member of a committee in the Minority Leader's absence except those where the Assistant Minority Leader is a regular committee member. The Senate President may be substituted as a voting member of any committee. The Senate Minority Leader is an ex officio, nonvoting member of each committee but may be substituted as a voting member of any committee by request.

The Role of the Chairperson

A chairperson and vice-chairperson of a committee are named from the majority party members appointed to that committee. For each House committee, the chairperson selects the committee secretary (a legislator, not to be confused with the staff member who assists the committee) from the members of the minority party.

A chairperson exercises a great deal of authority concerning the operating procedures of the committee. For example, the chairperson determines when the committee meets, which of the bills referred to the committee will be given a public hearing at each meeting, the duration of testimony, when amendments may be offered, and other matters pertaining to the manner in which the committee considers legislation. Rules relating to absences, committee duties and functions, committee reports, expenses, meetings, quorums, votes, and other matters are prescribed by the rules of each house.

The chairperson of a committee generally may subpoena witnesses to appear before the committee and require those witnesses to present books, papers, and records. The House Rules require that a majority of the committee membership approve the subpoena of witnesses; the Senate Rules require the President's authorization.

Standing Committees

The most active type of committee in the General Assembly is the standing committee. While the number and titles of standing committees may vary from General Assembly to General Assembly, each house has separate standing committees to deal with broad subject matter areas.

Committees on Rules and Reference

A rules and reference committee, while considered to be a standing committee, has functions different from those of the other standing committees. The work of this committee may seem routine to the casual observer, but its actions are critical to the progress of any legislation toward enactment.

The House and the Senate Rules and Reference Committees assign bills and joint resolutions to standing committees. Members of these committees screen bills and assign them to the appropriate committees of the House and Senate.

Introduction does not always guarantee referral to committee. A bill that is not referred to a committee does not progress further in the enactment process. However, the rules of the House of Representatives require that all bills and resolutions introduced on or before May 15 of the even-numbered year of a biennium be referred to a standing, select, or special committee or standing subcommittee and be scheduled by the chairperson of the committee to which it is referred for at least one public hearing. The Senate Rules specify that all bills and resolutions referred by the Rules and Reference committee on or before April 1 of the even-numbered year of a biennium must be scheduled for a minimum of one public hearing.

Another responsibility of the Rules and Reference Committees is to schedule bills for a floor vote by the full House or Senate. The Senate Committee prescribes the order of Senate business, channels all appointments of the Governor to the appropriate standing committee before they are submitted to the full Senate for confirmation, and arranges the daily legislative Senate *Calendar*. The Senate Rules specify that the *Calendar* must be posted one calendar day in advance. In addition, the Rules permit the Chairperson of the Senate Committee to call a special meeting to add a bill to the *Calendar* upon a majority vote, and bills may be placed conditionally on the *Calendar* subject to favorable action by a committee.

The House Committee decides which bills and resolutions are on the House *Calendar*. House Rules specify that the *Calendar* may not be set later than 24 hours before the session is scheduled to begin, unless a majority of House members orders otherwise.

Subcommittees

Subcommittees allow a small number of members of a standing committee to review and consider legislation. There are two types of subcommittees: the standing subcommittee and the ad hoc subcommittee. Standing subcommittees are attached to a standing committee and may hear many bills during a General Assembly. Current House Rules allow a standing subcommittee (except a subcommittee of the House Finance Committee) to consider bills and report directly to the House. Senate standing subcommittees must report recommendations to the standing committee for consideration by the full committee. Currently, the Senate has no standing subcommittees. The House has five standing finance subcommittees.

An ad hoc subcommittee is appointed by a standing committee chairperson during deliberations on a specific bill. This type of subcommittee reports back to the standing committee with recommendations on the bill. The standing committee need not adopt the subcommittee's recommendations. Once an ad hoc subcommittee completes its work, the subcommittee ceases to exist.

Committees of Conference

If legislation does not pass both houses in the same form and the two houses cannot agree on one of the two versions, the General Assembly may appoint a committee of conference consisting of members from each house to resolve the differences. [Chapter 5](#) discusses, in detail, the role of conference committees in the enactment process.

Select Committees

A select committee, sometimes called a special committee, is a committee created by a bill or resolution or pursuant to the rules to undertake a particular task. The Speaker of the House and the President of the Senate name the members of select committees created under the rules. The members of a select committee created by a bill or resolution are appointed in accordance with the bill or resolution.

A joint select committee may be created by a bill or a concurrent resolution. Alternatively, the Speaker of the House or the President of the Senate may initiate the process to create a joint select committee by reading a message creating the committee before that house. If both houses vote to approve the message, the committee is created as specified in the message, and the President and the Speaker appoint the members from their respective houses. A joint select committee may consider and conduct hearings on one or more bills or joint or concurrent resolutions and may amend or substitute any of them.

Joint Committees

Any committee that serves both houses of the General Assembly is technically a joint committee. The term, however, usually refers to comparable standing committees of both houses meeting together in joint session. The objective of such meetings is to allow committees of both houses to hear testimony simultaneously and thereby expedite the progress of a bill. Although termed “joint committees,” these bodies simply consist of the membership of both a Senate committee and a House committee. Neither committee surrenders any authority or ability to act separately on the legislation before it. After the joint committee concludes its deliberations, either committee may call additional witnesses or recall the same witnesses heard at the joint hearing. Joint committees of this type are not created often. On rare occasions, an ad hoc joint committee may be formed to consider and make recommendations concerning a particular proposal or issue.

**Standing Committees of the Senate
134th General Assembly**

- Agriculture and Natural Resources
- Energy and Public Utilities
- Finance
- Financial Institutions and Technology
- Government Oversight and Reform
- Health
- Insurance
- Judiciary
- Local Government and Elections
- Primary and Secondary Education
- Rules and Reference
- Small Business and Economic Opportunity
- Transportation
- Veterans and Public Safety
- Ways and Means
- Workforce and Higher Education

**Standing Committees and Subcommittees of the House of Representatives
134th General Assembly**

- Agriculture and Conservation
- Armed Services and Veterans Affairs
- Behavioral Health and Recovery Supports
- Civil Justice
- Commerce and Labor
- Criminal Justice
- Economic and Workforce Development
- Energy and Natural Resources
- Families, Aging, and Human Services
- Finance
 - Agriculture, Development, and Natural Resources
 - Health and Human Services
 - Higher Education
 - Primary and Secondary Education
- Transportation
- Financial Institutions
- Government Oversight
- Health
- Higher Education and Career Readiness
- Infrastructure and Rural Development
- Insurance
- Primary and Secondary Education
- Public Utilities
- Rules and Reference
- State and Local Government
- Technology and Innovation
- Transportation and Public Safety
- Ways and Means

Study Committees

A study committee is a committee created to study a specific problem or issue. Such committees are usually one of three types. One type of study committee is created upon appointment by the Speaker of the House or the President of the Senate. This type of committee may consist of members of only the House or only the Senate or it may consist of members of both houses. In the course of its work, the committee, with the permission of the Legislative Service Commission (LSC) chairperson and vice-chairperson, may utilize LSC staff. In other instances, it may retain private consultants. In most other respects, it functions in the same way as any other committee.

A second type of study committee is created by a resolution or act of the General Assembly. The committee may consist of legislators alone or of legislators and others, such as appointees of the Governor or representatives of various political subdivisions or interest groups. Usually, the resolution or act requires the committee to issue a report and to include recommendations. The resolution or act may authorize the committee to retain private consultants or to call upon LSC or a state agency for staff assistance. The LSC Director must provide staff assistance even in the absence of such language when requested by the chairperson and the vice-chairperson of LSC.

A third type is a study committee created by LSC to undertake a study of a given topic designated by the members of LSC. A study committee may originate from a resolution introduced in either house or on motion of an LSC member. If the request for a study committee is approved by LSC, members of both houses and both parties are appointed to the study committee by the LSC chairperson. LSC staff assists the committee. The committee may hold hearings, direct and supervise staff work, or provide general direction to the staff. The end product of the committee may be a committee report, an LSC staff report, or a bill. In some cases, there are separate committee and staff reports but, in others, the same report suffices for both committee and staff purposes.

Statutory Committees and Entities

Legislators also may serve on other entities that have been created by statute. Many of them have their own operating appropriations, have permanent staffs, and perform administrative functions. Some of these entities such as the Joint Committee on Agency Rule Review, the Correctional Institution Inspection Committee, the Joint Legislative Ethics Committee, and LSC include only legislative members. Others include both legislators and nonlegislators among their voting members. Some examples of these are the Capitol Square Review and Advisory Board, the Joint Select Committee on Volume Cap, the Controlling Board, and the Ohio Retirement Study Council. Finally, some entities have both legislators and nonlegislators as members, but for these entities, the legislators serving on them do not have voting privileges. The Ohio Arts Council and the Ohio Expositions Commission are examples of this type. As members of this last group of statutory entities, legislators perform an oversight function while becoming better acquainted with issues and situations that may have legislative ramifications.

General Assembly Open Meetings Law and Public Records Law

While guiding legislation through the committee process, legislators need to be familiar with laws that directly affect the legislative process. In particular, the General Assembly Open Meetings Law addresses issues concerning access to and advance notification of certain meetings. The Public Records Law and the associated legislative confidentiality statute specify which records are considered public records available for public inspection and copying.

The General Assembly Open Meetings Law requires all meetings of any committee, other than the Joint Legislative Ethics Committee, to be public meetings.

General Assembly Open Meetings Law

The Ohio Constitution requires that the proceedings of each house of the General Assembly itself be open to the public unless 2/3 of those present decide that secrecy is required. The General Assembly Open Meetings Law applies to committee meetings of the General Assembly. The Law generally requires all meetings of any committee to be open to the public at all times. “Committee” includes any committee of either house of the General Assembly, a joint committee of both houses, including a conference committee, or a subcommittee of any committee or joint committee. A “meeting” is any prearranged discussion of the public business of a committee by a majority of its members. However, the Law does not apply to certain meetings of the Joint Legislative Ethics Committee or to meetings of a caucus. (In this context, a “caucus” is defined as all of the members of either house of the General Assembly who are members of the same political party.)

Any formal action of a committee, including action relating to a bill or resolution, is invalid if it is taken in a meeting not open to the public or if it is taken in an open meeting but results from deliberations that took place in a meeting not open to the public.

The Law requires that minutes be prepared for each committee meeting and that each committee make the minutes of its meetings available for public inspection. Each committee also must establish a reasonable method of notifying the public of the time and place of all regularly scheduled meetings and of the time, place, and purpose of all special meetings. The method must provide that, upon request and payment of a reasonable fee, any person may receive reasonable advance notification of all meetings at which a specific type of public business will be discussed. No committee may hold a regular or special meeting without giving at least 24 hours’ advance notice to the news media that request notification.

The Law provides an exclusive remedy for violations of its provisions. Any person may bring an action in the court of common pleas for an injunction to enforce the Law, but the action must be brought within two years after the date of the alleged or threatened violation of it. If the court issues an injunction, it must order the committee that it enjoins to pay court costs and a \$500 civil forfeiture to the party that sought the injunction and, under certain conditions, may award to that party reasonable attorney’s fees.

A member of a committee who knowingly violates an injunction may be removed from office in an action brought in the court of common pleas for that purpose by the Franklin County Prosecuting Attorney or by the Attorney General.

Unless specifically excepted under the law, all records kept by a public office are open to public inspection and copying.

Public Records Law

The Public Records Law generally requires that all public records be promptly prepared and made available for inspection upon request by any person at all reasonable times during regular business hours. Subject to certain limitations, a public office or person responsible for public records must make copies available at cost within a reasonable period of time. The Law broadly defines a “public record” as any record kept by any public office, including, but not limited to, state, county, city, village, township, school district units, and any record pertaining to the delivery of educational services by an alternative school. However, the Law and other Revised Code provisions exempt specified types of records and information from the Law’s inspection and copying requirements. A “record” is a public record subject to those requirements only if it is a document, device, or item, regardless of physical form or characteristic, including an electronic record, that is created or received by or comes under the jurisdiction of a public office and that serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

The Law authorizes a person allegedly aggrieved by the failure of a public office to comply with the Law to either file a complaint with the clerk of the Court of Claims or the clerk of the court of common pleas, or file a mandamus action to obtain a judgment that orders compliance. The mandamus action may be commenced in the appropriate court of common pleas or court of appeals, or in the Supreme Court of Ohio. Under certain conditions, the court may award court costs, reasonable attorney’s fees, and specified damages to the person who filed the action.

The General Assembly and its legislative agencies are public offices subject to the Law’s provisions, and their records must be available for public inspection and copying unless they fall under one of the specified exceptions to the Law. Certain documents specific to the work of General Assembly members are confidential. They include documents provided by members to LSC staff and other legislative agencies in the LSC budget group, and documents prepared for members by LSC staff and those other legislative agencies. Confidentiality of information is discussed in more detail in [Chapter 9](#).

Chapter 5

Enacting Legislation



Image courtesy of the Capitol Square Review and Advisory Board

Senate Chamber

The Exercise of Legislative Power

The General Assembly exercises its legislative power principally by enacting resolutions and bills.

Resolutions

Resolutions, generally, are formal expressions of the opinions and wishes of the General Assembly and do not require the approval of the Governor. Resolutions are of three types: joint, concurrent, and simple. Beginning with the 126th General Assembly, resolutions are available at the Legislation link on the General Assembly's website (archives.legislature.state.oh.us/).

Resolutions are of three types: joint, concurrent, and simple. Joint and concurrent resolutions require the approval of both houses. Simple resolutions require the approval of only the house in which they are introduced.

Joint Resolutions

Joint resolutions are used to ratify proposed amendments to the United States Constitution, to call for a federal constitutional convention, or when required by custom or a statute. For example, proposals seeking to amend the Ohio Constitution are customarily offered

as joint resolutions. Joint resolutions require the approval of both houses and, after approval, must be filed with the Secretary of State.

Concurrent Resolutions

Concurrent resolutions also require the approval of both houses, but, unlike joint resolutions, they are not filed with the Secretary of State. They are used when required by the Ohio Constitution, a statute, or when the action of both houses is advisable and use of a joint resolution is not required. Cases that typically call for a concurrent resolution include memorializing Congress as to the General Assembly's position on issues before Congress and determining joint procedural matters such as adjournment. Concurrent resolutions also are used to commend people, groups, and events that are of interest to both houses.

Another subject requiring the adoption of a concurrent resolution is the invalidation of administrative rules. When the Joint Committee on Agency Rule Review (JCARR) recommends that the General Assembly invalidate a rule that has been proposed or adopted by an executive agency, a member must submit a concurrent resolution in order to put the question of invalidation before the two houses. The resolution briefly describes the rule and the reason why it is being recommended for invalidation. See [Chapter 7](#) for a discussion of the reasons for which the General Assembly may invalidate a rule.

The Ohio Constitution authorizes the General Assembly, by the adoption of a concurrent resolution, to disapprove proposed Supreme Court rules governing practices and procedures in all courts of the state.

Simple Resolutions

Simple resolutions often relate to the organization, appointments, and officers of the house in which they are offered. Simple resolutions that commend persons, groups, and events of interest to one house are discussed in [Chapter 9](#).

Bills

A bill is a document by which a member of the General Assembly proposes to enact a new law or amend or repeal an existing law. The term “bill” is used to refer to the document from the time it is drafted and delivered to the member until it is considered and approved by both the House and the Senate. After passing both houses, a bill becomes an “act” and must be presented to the Governor for acceptance or rejection. If accepted, or if the Governor does not take any action for ten days, it becomes a “law.”

From Idea to Bill

An idea for a new law or a change in an existing law may originate with a member of the General Assembly, an administrative agency of the state, the Governor, a special interest group, or a private citizen. Legislation also may be proposed as a result of court decisions or Attorney General opinions, requirements established by federal law, or recommendations made by study committees or task forces.

Whatever its source, an idea first must be written in the form of a bill. The primary source of bill drafting services available to members is the staff of the Legislative Service Commission (LSC).

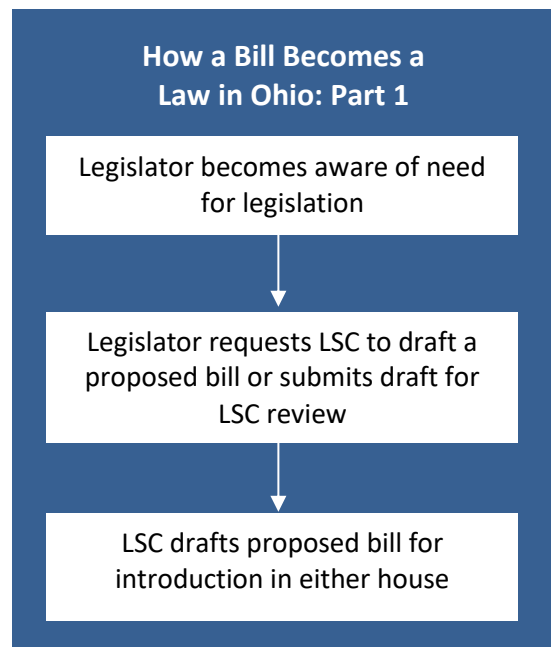
Bill drafting is a craft combining art with experience. A skilled drafter will explore many issues involved with a member's idea. Often, a member will not be aware of all the factors that affect the proposal. Even when a bill draft request includes a clear statement of what the draft should accomplish, the staff person drafting the proposal often will seek more guidance as questions arise during the drafting process. As employees of a nonpartisan agency, LSC staff do not make decisions on issues of policy. Therefore, a staff person must communicate with a member frequently during the drafting process to ensure that the member's views are incorporated into the bill.

An idea for a new law or a change in an existing law might originate with a member of the General Assembly, an administrative agency of the state, the Governor, a special interest group, or a private citizen.

Although courts grant all legislative enactments a presumption of validity, sometimes proposals raise constitutional issues. It is important to know at the outset if a bill draft may be in conflict with the United States or Ohio Constitution. Legal research sometimes suggests the likely outcome of a constitutional challenge. Some issues are obvious, especially in the areas of due process and equal protection of the law. However, proposals may raise issues that have not been decided by the courts or are so subtle as to defy accurate prediction of what a court would decide.

For example, does a proposal requiring that blood types be printed on drivers' licenses (thus conditioning an important societal privilege on obtaining a blood test) constitute such a deprivation of liberty as to violate a person's right to due process of law under the Fourteenth Amendment to the United States Constitution? If not, might a religious objector to blood tests nevertheless successfully claim that such a requirement violates guarantees of religious liberty under the First Amendment? Even if legal research discloses that the proposal probably would not violate the First Amendment, the member might prefer to avoid the problem at the outset by including an exemption for good faith religious objectors.

The legislative drafter also must account for general rules of construction and statutory definitions that apply throughout the Revised Code. For example, the term "person" is defined in section 1.59 of the Revised Code for use throughout the Code as including "an individual, corporation, business trust, estate, trust, partnership, and association"; the drafter need not define the term in a new bill draft unless a different meaning is needed. Similarly, section 1.50 of the Revised Code

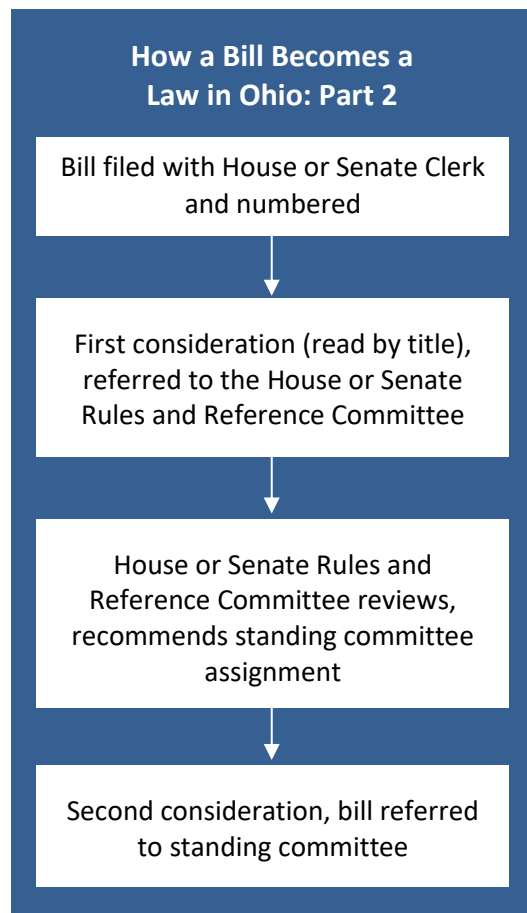


establishes an all-encompassing severability clause stating that if any part of a section of the Revised Code is held invalid, that part is severable and does not affect the other provisions of the section or related sections that can be given effect without the invalid part. Therefore, the drafter does not need to include a severability clause in each bill draft.

Although LSC staff engage in bill drafting on a full-time basis and are highly trained and experienced, any bill draft can contain inadvertent errors or fail to meet a member's objective. Therefore, members should read all drafts carefully and ask the drafter for explanations whenever something seems incorrect or confusing.

The Legislative Process

The lawmaking process in Ohio, as in most other states, involves several steps, including introduction, committee action, floor action, defeat or enactment, approval or disapproval by the Governor, and possible legislative reaction to the Governor's action. Since Ohio's General Assembly is a bicameral, or two-house, legislature, several steps must occur in each house consecutively; that is, after the first house completes action on a bill, the bill is sent to the second house where the process is repeated. Enactment occurs after both houses have passed and agreed on identical bills. Of course, enactment of a bill does not necessarily mean that the proposal becomes law. Action by the Governor and possible legislative reaction will occur after enactment.



This chapter describes the major steps in the enactment of a law. Although the discussion refers only to bills, the same steps, excluding action by the Governor, apply to the adoption of joint and some concurrent resolutions. It should be noted that most bills do not become law. Most bills survive only a few of the steps required for enactment. For example, the 132nd General Assembly introduced 1,144 bills, 172 of which became law. In the 133rd General Assembly, 114 of the 1,189 bills that were introduced became law.

Introduction: First Consideration

During its preparation by LSC staff, a bill draft is assigned an individual "L" number. The assigned "L" number is found at the top of the draft. The draft is numbered to coincide with the session of the General Assembly for which the draft is prepared and then is numbered consecutively. For example, "I_134_0167" at the top of the draft indicates that the draft was prepared for the 134th General Assembly and was the 167th bill draft request received. When working on a bill draft with an LSC staff member, it is useful to refer to this "L" number.

Once completed, a bill draft is forwarded to the member who submitted the request. The member should carefully review the draft and ask any questions necessary to make sure the bill achieves his or her goals. Once the member is sure the bill draft complies with the request, it is ready for formal introduction.

The Ohio Constitution requires that each bill receive consideration on at least three different days by each house before enactment. The members of the house considering a particular bill may, by a 2/3 majority, vote to suspend this requirement.

The first consideration of a bill consists of a reading of the bill's title by the appropriate clerk on the day of introduction. The process of introduction and first consideration differs slightly in the two houses.

A Senator may introduce a bill by filing four copies with the Senate Clerk at least one hour prior to the next convening session of the Senate. Senate Rules specify that a bill must include the name of the bill's author or authors (sponsor or joint sponsors) and any co-authors (cosponsors).

A Representative introduces a bill by filing it with the House Clerk in a number of copies or electronically, as determined by the Clerk. The Rules specify that bills must be filed at least one hour prior to the time set for the next convening session of the House. The Clerk must keep a complete record of each bill, including such information as its number, author (sponsor), and subject. When, in the regular order of business during House floor session, it is time for introducing bills, the Clerk reports them in the order received.

In the House, if opposition to a bill is expressed on introduction, the Speaker of the House or presiding officer puts the question of rejecting the bill to a vote. For the bill to be rejected, the question must receive a majority vote of the members present. If it is not rejected, it proceeds in the regular order. The question of rejecting the bill must be decided without debate. It should be noted, however, that virtually all bills are accepted for introduction in the House without opposition.

When a bill is filed, it receives its official bill number from the appropriate House or Senate Clerk. This number differs from the LSC bill draft "L" number assigned by LSC staff. House and Senate bill numbers are assigned consecutively in the order in which bills are filed. The assigned number identifies the bill during its progress through the legislative process. A bill retains its assigned number throughout the legislative session in which it is introduced. For example, the 13th bill introduced in the House of Representatives during a session will be known for the remainder of that session as "H.B. 13"; the 60th bill introduced in the Senate will be known as "S.B. 60." However, if the bill is not enacted and is introduced again in a subsequent biennial session of the General Assembly, it receives a new number according to the order in which it is filed.

Order of Business

During a floor session, the House and Senate follow a specific order of business determined by House or Senate Rules. For example, bills may be introduced only at a certain point in the order of business. The order of business may be changed during floor session on a particular day by a vote of the members. The Rules governing the order of business may change from session to session.

If a special session is called by the Governor or the leadership of the General Assembly, the bills introduced during that special session in each house are numbered consecutively beginning with 1. At the end of a special session, the previous consecutive numbering process resumes for the duration of the regular session. The most recent special session was called by the Governor in December 2004.

Committee Assignment: Second Consideration

The second consideration of a bill occurs when the House Rules and Reference Committee or the Senate Rules and Reference Committee, to which bills are sent following introduction, reports it back to the committee's house with a recommendation for assignment to a standing committee. The report, if accepted by the house, constitutes the bill's second consideration.

Committee Action

Hearings

Following committee assignment, a bill may, but does not always, receive consideration by the standing committee to which it has been assigned. House Rules require that all House bills and resolutions introduced on or before May 15 of the second year of the two-year session be referred to a committee and scheduled for a minimum of one public hearing. Senate Rules require that all Senate bills and resolutions referred by the Rules and Reference Committee on or before April 1 of the second year be scheduled for a minimum of one public hearing.

A major portion of the work of a standing committee involves hearing testimony by persons with a direct interest in the proposal. For this reason, committee meetings generally are referred to as hearings. Although not a requirement, the common practice in both houses is to hold at least two hearings on each measure, one for proponents and one for opponents. The number of hearings held on a bill depends on interest in it, its complexity, and timing, among other factors. House Rules for the 134th General Assembly require the sponsor of a bill or resolution to appear at least once before the committee considering the bill or resolution unless he or she has been excused from appearing by the committee chairperson or the Speaker of the House.

The times and dates of committee hearings and listings of the bills to be considered at the hearings are available on the General Assembly's website. House Rules require that chairpersons attempt to give five days' notice, but must give at least 24 hours' notice, of a committee hearing. Senate Rules mandate that the Clerk post in the Senate Clerk's office, except in the case of Rules and Reference Committee meetings or in case of necessity, two days' notice of any meeting at which a bill or a resolution proposing a constitutional amendment will be heard for the first time. In both houses, notices typically (1) identify the committee and chairperson, (2) state the date, time, and place of the meeting, and (3) set forth an agenda for the meeting. Committee chairpersons usually announce imminent committee hearings at the end of daily floor sessions.

How a Bill Becomes a Law in Ohio: Part 3

Standing committee: holds public hearings; may amend or create a substitute bill; may refer bill to subcommittee or postpone, defeat, or favorably report bill. May be discharged of further consideration of bill.

Most members of the General Assembly serve on more than one standing legislative committee. Overlapping committee schedules occasionally preclude a member's attendance at some meetings. The House and Senate set up regular committee meeting schedules early in the session to minimize such conflicts. Generally, each committee meets at a specific time on the same day of the week. Conflicts most often occur late in the session when the rush of business intensifies and committees begin holding additional meetings. A committee meeting cannot be held during a floor session except by special leave of the House or Senate, as appropriate; however, a committee may meet during a recess from a floor session.

The rules of both houses provide that members cannot vote on a matter in committee unless they are present or have been present at the committee meeting at which the vote is taken. Since a member may have a conflict that prevents attendance at the entire committee meeting, the roll call on a motion to recommend a bill for passage may be held open. In the Senate, at the discretion of the chairperson, the roll call may be left open until 10:00 a.m. on the next calendar day. In the House, the roll call may be continued by motion until no later than noon the following day. If the roll call has been left open, a member who was recorded as present for a part of the meeting before a vote was taken but who missed the vote may still vote on the measure by signing the committee report, provided that the member's vote does not change the initially reported committee action. Proxy votes are not permitted.

Courses of Action

A committee may take several different actions on a bill. It may report a bill favorably with no changes; adopt amendments and report the bill as an amended bill; redraft the bill or adopt numerous or lengthy amendments and report it as a substitute bill; combine two or more bills into one amended or substitute bill; indefinitely postpone the bill, thereby defeating it; or take no action at all. An affirmative vote of a majority of the committee members is necessary either to report a bill favorably or to postpone it indefinitely.

Amendments

Proposed changes to a bill are drafted as amendments to the bill. Amendments may be offered in committee only by members of that committee. House Rules specify that members must be present at the committee meeting when an amendment is voted upon in order for the member to vote on that amendment. An affirmative vote of a majority of the quorum present is necessary to adopt a proposed amendment. Assistance in preparing amendments for a bill is available from the LSC staff person who is assigned to follow that specific bill in committee.

Generally, amendments are prepared before the committee meeting at which they will be offered so that copies may be made available to the other members of the committee. Sometimes, however, amendments are offered without advance preparation and without time for advance distribution. The procedure to be followed in such cases is largely a matter for determination by the committee chairperson. When requesting an amendment, it is helpful to give LSC staff as much advance notice as possible. Each amendment, regardless of when it is prepared, includes a synopsis that summarizes the changes proposed by the amendment and how they will affect the bill if adopted.

If a committee adopts a few amendments that are not lengthy or complex, it usually reports the bill back to the full house as an “amended bill,” and the prefix “Am.” is added to the bill’s number. In such a case, the Clerk of the appropriate house is responsible for engrossing the bill, that is, preparing a new copy of the bill with the committee’s amendments incorporated in it. If a committee reports a bill as an amended bill, the text of the amendments adopted by the committee will appear in the committee report that is printed in the *Journal*.

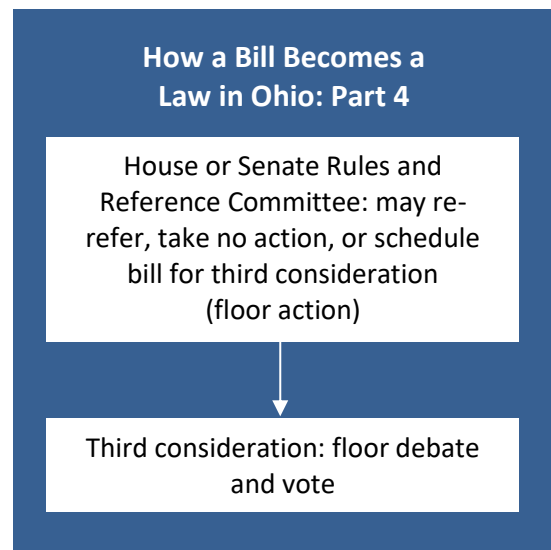
Substitute Bills

If the committee redrafts the bill without adopting individual amendments, the committee reports the bill back to the full house as a “substitute bill.” If the committee adopts amendments that are numerous, lengthy, or complex, then the committee may report the bill as an amended bill, but usually reports it as a substitute bill. When reported as a substitute bill, the prefix “Sub.” is added to the bill’s number. The LSC staff person who is assigned to follow a particular bill in committee prepares all substitute versions of that bill for the committee, whether they are for consideration by the committee during its deliberations on the bill or are for the committee’s report to the appropriate house. If the committee reports a substitute bill, the text of the changes will not appear in the *Journal*. The *Journal* entry simply will indicate that the committee has reported the bill as a substitute bill. To determine the changes made by the committee, a member will need to compare the text of the bill referred to the committee with the text of the substitute bill reported by the committee.

Subcommittees

The chairperson of a committee may decide that a bill is very complex and would require too much time for consideration by the full committee. The chairperson then may designate a few members of the committee to serve on a subcommittee to consider the bill while the full committee goes ahead with other business.

A subcommittee proceeds in much the same manner as the full committee. It may hold hearings on a bill and vote for it, with or without amendments, vote against it, or propose a substitute bill. After the subcommittee has finished its deliberations, it reports its findings and recommendations to the full committee. Members of the full committee then vote on whether to accept the subcommittee’s report. If the vote is favorable, the question then is on the disposition of the bill as reported by the subcommittee. If the full committee chooses not to accept the subcommittee’s report, the chairperson may decide either to appoint another subcommittee or simply proceed with the bill as though the subcommittee had not been appointed.



Committee Reports

When a committee completes its deliberations on a bill, it votes to take one of the courses of action described earlier. If the committee reports the legislation back to the full membership of the house, it issues a committee report. Along with a signature page containing the signatures of all committee members who voted for or against the measure, the report consists of the bill with any amendments attached to it, or if a substitute bill was reported, the new version of the bill. The report must be filed with the Clerk. The bill then goes to the Rules and Reference Committee of the House or Senate for consideration of possible floor action.

Committee Chairperson

The committee chairperson exerts substantial influence over proposed legislation assigned to the committee. The chairperson determines the agenda of the committee, presides over the hearings, maintains order, puts issues before the committee for consideration, determines if and when the committee will vote on a bill, and directs the clerical work of the committee.

Discharging a Committee of Further Consideration of a Bill

Once a bill has been assigned to a committee, it cannot be considered by the full house until the committee reports it back to the house. The only way the membership can take action on a bill that has not been reported is to relieve the committee of further responsibility for it. Under the rules of both houses, a member of the appropriate house may file with the Clerk a motion to discharge the committee of further consideration of a bill that was referred to that committee at least 30 calendar days previously. The motion must be signed by a majority of the members of the appropriate house. Only one such motion may be entertained for each bill.

According to House and Senate Rules, each member who signs the motion must do so in the presence of the Clerk or one of the Clerk's assistants. Under House Rules, a member may remove his or her name from the discharge motion before the motion is offered but must do so in the presence of the Clerk or an assistant to the Clerk.

Floor Action: Third Consideration

The House and Senate Rules and Reference Committees operate much like a traffic controller. Their function is to select from the many bills reported by the standing committees those that will be scheduled for floor debate and a vote by the full house. The chairperson of the House Rules and Reference Committee usually is the Speaker of the House or a leader within the majority caucus. The chairperson of the Senate Rules and Reference Committee is the President of the Senate.

When the Rules and Reference Committee schedules a bill for floor debate and a vote, it places the bill on the *Calendar* above a black line. The bill at this point receives its third consideration – floor action. On third consideration, bills may be amended, laid on the table, referred back to a committee, informally passed, postponed, approved, defeated,

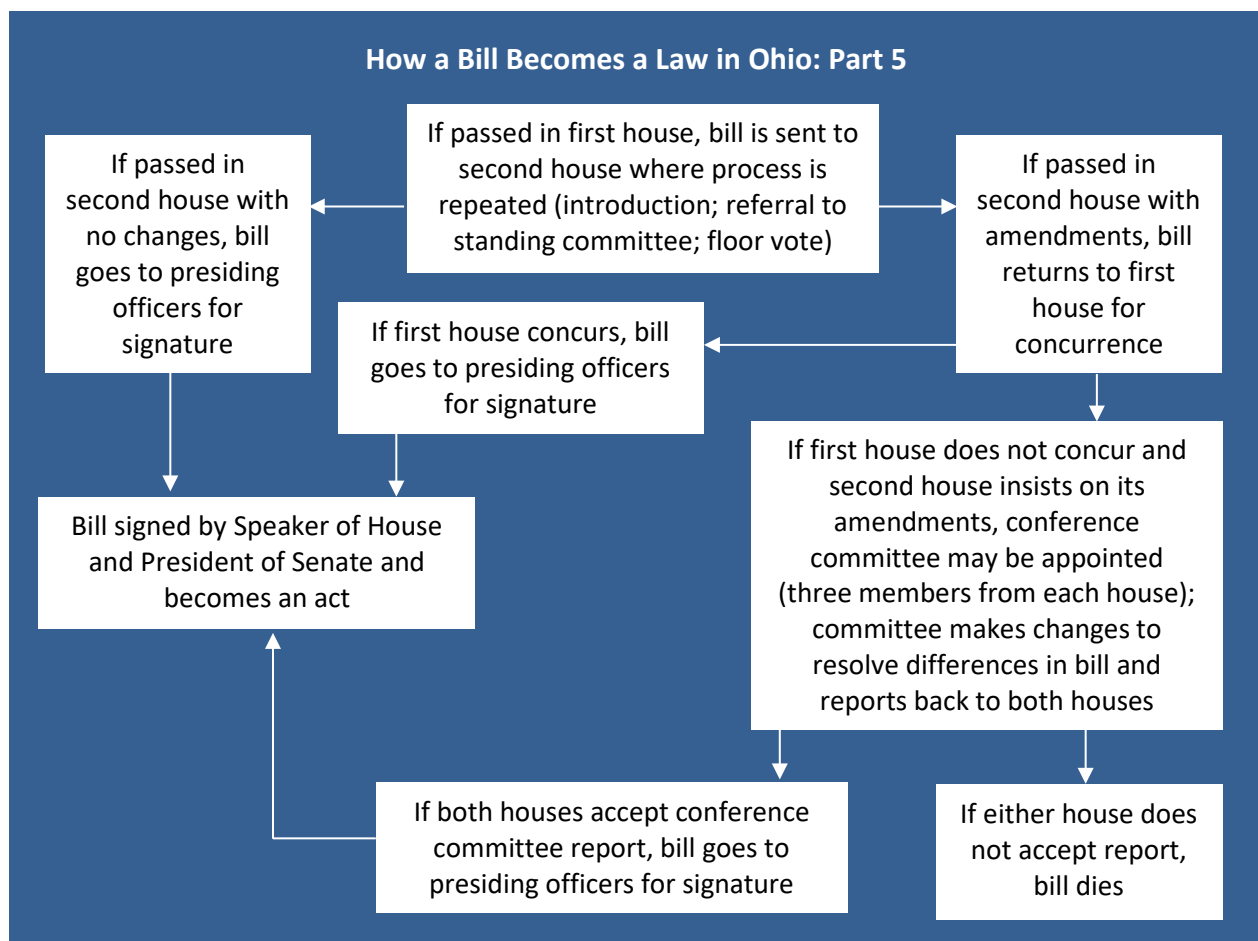
Roll Call

Most votes taken in the House of Representatives are recorded electronically. Results are registered at the Clerk's desk and on listings of members on the walls of the chamber. The Senate continues the tradition of calling the roll aloud.

reconsidered, or acted on in several other ways as specified in the rules of each house. Bills listed below the black line on the *Calendar* have not yet been scheduled for a floor vote.

When a member seeks to speak on an issue during a floor session, the member rises and addresses the presiding officer. When more than one member rises at the same time, the presiding officer names the member who is given permission to speak. Members should avoid reference to personalities in their comments and confine their remarks to the question under debate. House and Senate Rules may contain limitations on the amount of time and how often a member may speak during floor debate on bills. Members in both houses are normally permitted to quote or read from books or other materials during the time they are speaking.

The rules of parliamentary procedure also govern actions on the House or Senate floor. The various procedures and requirements of parliamentary debate are beyond the scope of this *Guidebook*. However, the Legislative Glossary and the House and Senate Committee and Floor Guides in [Appendix E](#) of this *Guidebook* contain basic definitions of and votes needed for several routine motions and questions used in parliamentary procedure. It should be noted that these are not all-inclusive and that other motions and questions also are used in parliamentary procedure. Complete understanding of the use of certain motions and comprehension of when those motions are in order or out of order require reference to the rules of the particular house and to the specific parliamentary procedure manual designated in those rules.



Action in the Second House

When a bill is passed by the first house, it is forwarded to the second house where it undergoes essentially the same process of introduction, referral to committee, committee hearings, and floor action. The second house may take no action on the bill, pass the measure without change, amend it, prepare a substitute bill, indefinitely postpone it, or defeat it just as with bills originating in that house.

Resolving House-Senate Differences

Concurrence in Changes

If the second house adopts a bill in any version other than that adopted by the first house, the bill is returned to the first house for concurrence with the changes. If changes in committee in the second house were adopted as amendments and a substitute bill was not prepared, the amendments must be printed in the *Journal* of the originating house. All floor amendments also must be printed in the *Journal*.

The question of concurrence in the changes adopted by the second house is considered during a floor session in the originating house. The members must vote either to concur or not to concur; they cannot propose additional changes. The same number of votes is required for concurrence as was required to pass the measure originally. If the originating house concurs in the changes made by the second house, the bill is enacted. If it does not concur, it must send a formal notice to the second house that it will not accept the changes. The second house may recede from its amendments, which has the effect of passing the bill in the form adopted by the originating house, or it may insist on its amendments. If it insists on the amendments, either house may call for a committee of conference, but usually it is the second house that does so. On rare occasions, the second house will adhere to its amendments, thereby precluding a conference committee and effectively killing the bill.

Conference Committee

A conference committee generally consists of three members from each house appointed respectively by the Speaker of the House and the President of the Senate. The chairperson of the conference committee is the first named member of the members appointed from the house in which the bill originated. A conference committee may consider amendments pertinent to the bill and include amendments in its report if the amendments relate exclusively to the original matters of difference between the houses. If the members of a conference committee are unable to reach an agreement, subsequent conference committees may be appointed.

Majority Rules			Majority Rules	
Type	Minimum Number of Votes Required		Examples of Measures that Require Different Majorities in Order to Prevail	
	Senate	House	Measure	Type of Majority
Majority (or simple majority) (the next whole number over 1/2 of the membership of the House or Senate)	17	50	Quorum	Simple majority
3/5 majority (the next whole number over 3/5 of the membership of the House or Senate)	20	60	Bill (unless a greater majority is constitutionally required)	Simple majority
2/3 majority	22	66	Emergency clause	2/3 majority
			Overriding Governor's veto (unless original passage required a greater majority)	3/5 majority
			Joint resolutions proposing amendments to the Ohio Constitution	3/5 majority

If the conference committee members resolve the differences between the two versions of the bill, the committee issues a conference committee report. The report contains a listing of the changes that resolved the differences, written in the style of amendments. To be accepted, a conference committee report must be agreed to by at least a majority of the members appointed from each house.

When a conference committee report is submitted to the House and Senate, the members of each house then must vote on whether to agree to the report. No changes to the report may be considered. The only question posed to the members of the House and Senate is whether or not to accept the report. If the membership of either house fails to ratify the agreement reached by the conference committee, that house must notify the other house of its action and may request that another conference committee be appointed. If no conference committee negotiates an agreement acceptable to the membership of both houses, the bill is defeated. However, if both houses approve a conference committee report, the bill is enacted.

Signature by Presiding Officers

Once a bill is enacted, an enrolled version of the bill, or final printed copy, is prepared and signed by the Speaker of the House and the President of the Senate. At this point, the bill becomes an act and is sent to the Governor for approval or disapproval.

Action by the Governor

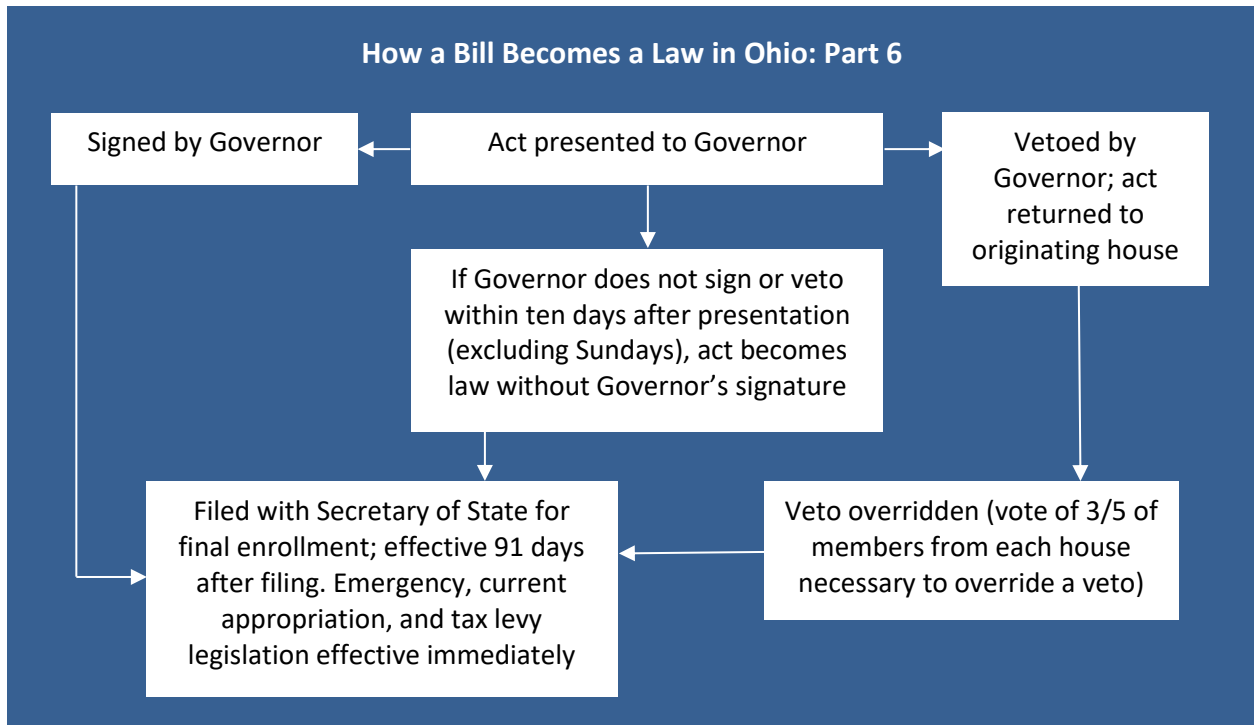
The Ohio Constitution requires that each act passed by the General Assembly be presented to the Governor for approval before it becomes law. If the Governor approves, he or she signs the act, whereupon it becomes law and is filed with the Secretary of State. If the Governor fails to sign the act or to return it with a veto within ten days after receiving it (Sundays excluded), it becomes law as if it had been signed.

In Ohio, if the General Assembly, by its adjournment, has prevented an act's return, the act becomes law unless, within ten days after the General Assembly's adjournment, it is vetoed by the Governor and filed with the Governor's objections in the office of the Secretary of State. The Governor does not have a "pocket veto" unlike the President of the United States. If Congress adjourns within ten days after presenting an act to the President and the President has neither signed the act nor returned it to Congress, the act does not become law.

As noted, the Governor may disapprove any enactment of the General Assembly. In addition, the Ohio Constitution authorizes the Governor to disapprove items in any act containing appropriations. If the Governor so acts, the disapproved act or item does not become law unless the General Assembly overrides the Governor's veto.

Upon vetoing an act or a part of an appropriation act, the Governor must return it to the originating house along with written objections. That house must publish the objections in its *Journal* and may reconsider the bill notwithstanding the Governor's veto. If 3/5 of the members vote to override the veto, the act is sent to the second house, again with the Governor's written objections. The second house also must decide whether or not to override the veto. If 3/5 of the members of that house vote to override the veto, the act becomes law in spite of the Governor's objections. The exception to the 3/5 requirement covers such matters as emergency measures and court bills that originally required a 2/3 majority for passage. In those cases, the same extraordinary majority vote is required to override a veto.

After these steps are completed, the act is filed with the Secretary of State. The Secretary forwards the act to the LSC Director for approval of the Revised Code section numbers. Finally, the act is returned to the Secretary of State to be filed permanently.



Effective Date

The Ohio Constitution requires that 90 full days elapse before a law goes into effect in order to permit any possible referendum petition to be circulated and filed by the electorate. This makes the normal effective date of a law the 91st day after its filing with the Secretary of State. However, the Constitution also stipulates that appropriations for the current expenses of state government, tax levies, and emergency laws necessary for the immediate preservation of the public peace, health, or safety go into immediate effect and are not subject to the referendum.

Appropriations

Section 1.471 of the Revised Code expands on the constitutional provision regarding the effective date of appropriations for current expenses by adding that a provision of law, in an act that contains an appropriation for current expenses, also takes immediate effect. The referendum does not apply if the provision of law is an earmark of an appropriation for current expenses or the provision's implementation depends on an appropriation for current expenses. The statute states that the General Assembly must determine which sections go into immediate effect. However, the constitutionality of R.C. 1.471 has been called into question, although not explicitly overruled, by the Ohio Supreme Court.

Tax Levies

Section 1.471 of the Revised Code deals with the effective date of appropriations only, not with acts that provide for tax levies. The Ohio Supreme Court has held that for a tax-related law to be exempt from the referendum requirement, and thus go into immediate effect, the law must actually provide for a tax levy and be self-executing. A law that merely relates or pertains to a tax is subject to the 90-day effective date requirement. Based on prior decisions by the Ohio Supreme Court, it appears that if an act contains both an actual, self-executing levy and other provisions, the levy portions will go into effect immediately upon the Governor's approval and the other provisions, subject to the right of referendum, will take effect 91 days after filing.

Emergency Laws

The Constitution requires that an emergency law include a separate section setting forth the nature of the emergency. This separate section, generally called an "emergency clause," must be voted on with a separate roll call. Both the emergency clause and the law as a whole must receive the affirmative vote of 2/3 of the members of each house. An emergency clause is drafted in accordance with constitutional guidelines and is an uncodified section of law.

Delayed Effective Dates

Occasionally, the members of the General Assembly want a law or certain sections of a law to take effect sometime after the constitutionally established effective date. In such situations, the General Assembly can enact an uncodified section of law specifying the desired later effective date.

Legislative Publications

Various publications are available to assist members in the legislative process.

Bill Analysis

The Legislative Service Commission's Office of Research and Drafting (ORD) staff prepare a detailed description of each bill that is scheduled for a hearing in committee. This bill analysis is updated as the bill moves through the legislative process. An analysis usually is easier to understand than the bill itself, because it is a summary of the bill that is written in narrative style and organized by topic, with the bill's key provisions described first.

A bill analysis does not present arguments for or against a bill, nor does it discuss any political implications of passing or defeating a bill. However, because it contains an impartial and nonpartisan description of a bill's contents, it is useful in understanding the bill.

Fiscal Note and Local Impact Statement

The Legislative Service Commission's Legislative Budget Office (LBO) staff are required to prepare a fiscal note prior to a vote on a bill in the first committee, generally for the second hearing. The fiscal note is updated for a floor vote in the first house, before any committee and floor votes in the second house, and for conference committee reports. Fiscal notes contain estimates of a bill's revenue or expenditure implications for the state and local governments. As with bill analyses, the purpose of fiscal notes is to provide impartial information to legislators.

State law also requires LBO staff to make a local impact determination for every bill that is introduced and referred to committee, except major appropriations bills. Joint resolutions do not require a local impact determination. If the staff determine that a bill could result in a net additional cost to school districts, counties, townships, or municipal corporations, a local impact statement must be prepared within 30 days after the bill is scheduled for its first hearing in the committee in the house in which it was introduced or within 30 days after the chairperson of that committee requests it. In practice, the fiscal note and local impact statement are combined in one document.

The law requires a local impact statement to contain the most accurate estimate possible of any net additional cost to local governments. A bill for which a local impact statement is required cannot be voted out of committee until the committee members have received the statement or, if the bill was amended by the committee, a revised statement unless the bill is voted out by a 2/3 vote of the membership of the committee.

Synopses

When a bill or joint resolution proposing a constitutional amendment is returned to the originating house for concurrence, ORD staff prepare a synopsis of amendments adopted by a committee in the second house. The synopsis is made available to each member of the first house. (Floor amendments adopted in the second house are not included in the synopsis. The appropriate clerk is responsible for providing copies of any floor amendments to specified members of the first house at the time of that vote.) True to its name, a synopsis of committee amendments is a brief document. The changes adopted by a committee in the second house are presented in their order of importance and are not explained in detail.

Additionally, prior to a committee or subcommittee considering a substitute bill, the House Rules require that ORD staff prepare a comparative synopsis that summarizes each

substantive difference between the substitute bill and the preceding version of the bill. LBO staff also must prepare an updated fiscal note that summarizes the difference in fiscal impact between the two versions of the bill. Both the synopsis and updated fiscal note must be made available to the committee before the committee or subcommittee considers the substitute bill unless the committee or subcommittee chairperson or the sponsor of the substitute bill orders otherwise. For a conference committee report, ORD staff prepare a synopsis of conference committee recommendations, which is required by House Rules. The Senate Rules do not contain a requirement that such synopses be prepared.

Status Report of Legislation

Members of the General Assembly may easily determine how far along a bill or resolution is in the legislative process. The status of an individual bill or a resolution introduced in the current legislative session can be found at the [Legislation](#) link on the General Assembly's website. The status link for an individual bill or resolution appears after opening the specific bill record. The information on the status link includes the action taken (for example, introduction, referral to committee, or passed), the committees to which the bill or resolution has been referred, and the dates of any legislative action.

The [Status Report](#) for the current General Assembly that includes all bills, joint resolutions, and concurrent resolutions can be found at the Legislation link on the General Assembly's website. Also available on this site are final status reports for past General Assemblies (1983-2018). Earlier status reports are available in the LSC library.

Journal

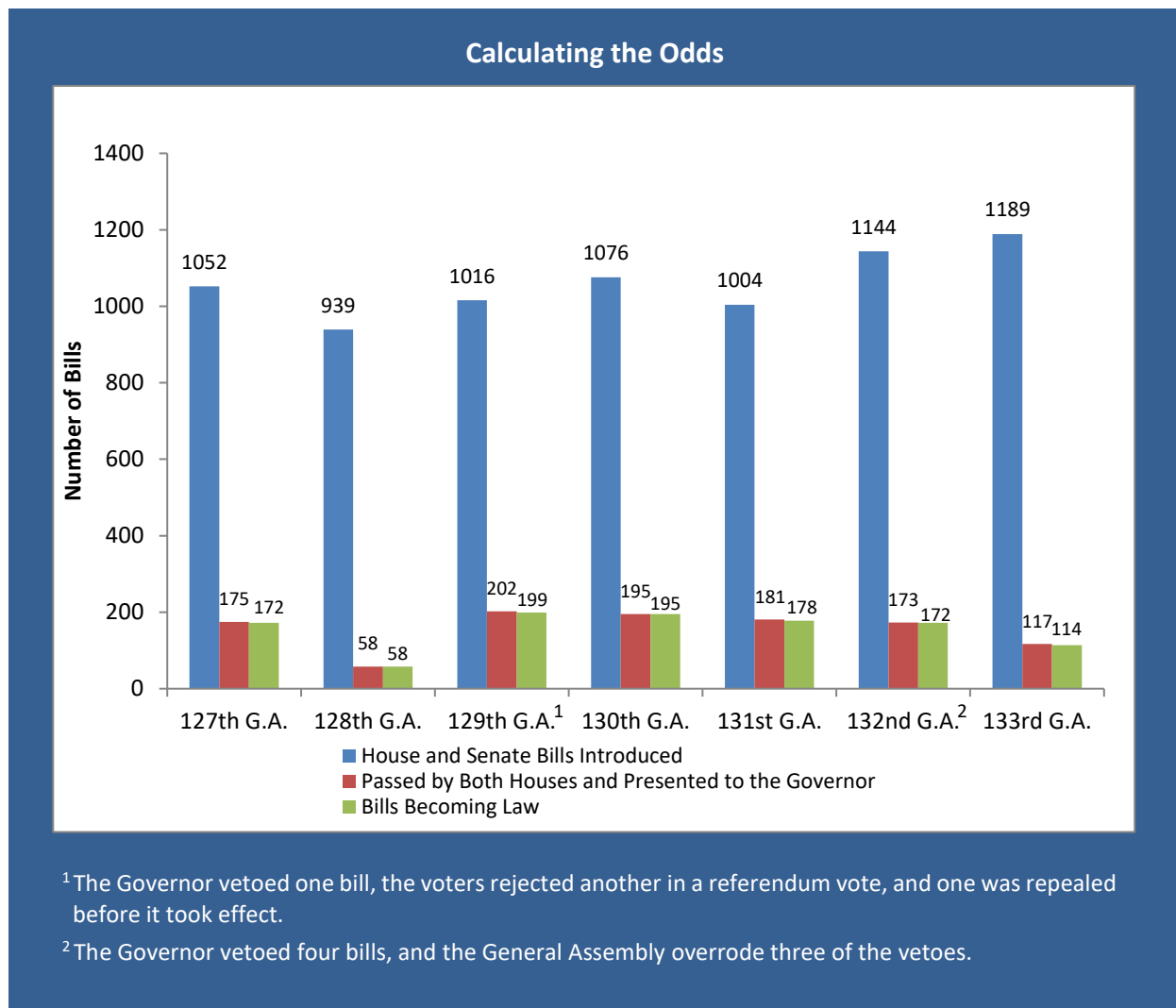
The House and Senate [Journals](#) are records of the activities of the two houses. They are prepared by the House and Senate Clerks' offices following each daily session and are available at the Session link on the General Assembly's website.

All roll call votes are recorded in the *Journal*. Similarly, copies of some resolutions, committee reports, floor amendments, and official messages from the other house are printed in the *Journal*. However, floor speeches and transcripts of oral debate are not included. (Video archives of voting sessions are available in their entirety online at www.ohiochannel.org or links on the House and Senate websites. For more information about the Ohio Channel, see [Appendix F](#).) Most *Journals* from past General Assemblies are available in the LSC library.

Calendar

The Clerk of each house has a *Calendar* prepared for its members before the opening of a voting session. The *Calendar* contains the agenda for the day as well as a listing of all bills favorably reported by standing committees. The House and Senate *Calendars* are available online on the House website (www.ohiohouse.gov) and the Senate website (www.ohiosenate.gov).

In both the House and the Senate, the *Calendar* indicates bills for third consideration, concurrence votes on bills returning from the second house, and special orders of the day. The *Calendars* also may show other business or information relating to the functions of the houses that the presiding officers wish to bring to the attention of the membership.



Each *Calendar* lists, below a prominent black line, all bills that have been recommended for passage by standing committees but that have not yet been scheduled by the House or Senate Rules and Reference Committee for a floor vote. These bills are listed in this section of the *Calendar* until scheduled for a floor vote, at which time they will appear above the black line. Accordingly, the daily agenda involves only those matters listed above the black line on the *Calendar*. In both houses, when no vote is taken on a bill that is scheduled for third consideration that day, it is carried over to the next voting session and retains its place on the *Calendar* above the black line.

Final Analysis and Fiscal Note

When a bill is enacted, LSC staff prepare a final analysis and fiscal note and local impact statement of the act. The final analysis and fiscal note and local impact statement describe and analyze the bill as enacted, reflecting any changes made on the floor of the second house or in conference committee. Both are prepared as soon as possible after a bill's enactment.

Digest of Enactments

ORD staff edit all final analyses and convert them to digest form. The digests are compiled and published in a *Digest of Enactments*. This publication is prepared annually at the end of each year and contains a brief summary of each bill enacted during that year, including those that were vetoed by the Governor. Editions published prior to the 121st General Assembly were in a different format entitled the *Summary of Enactments*.

Bulletin

The Senate Clerk is responsible for compiling the *Bulletin*, a publication that contains various types of legislative information relating to both houses. The *Bulletin* lists, in numerical order, all bills and resolutions introduced in either house. It includes a short description of each bill or resolution followed by a summary of the actions taken during its progress through the legislative process. The *Bulletin* also provides cross-references to the *Journal*. For example, if a bill is amended, the *Bulletin* refers to the date and page of the *Journal* where the amendment may be found.

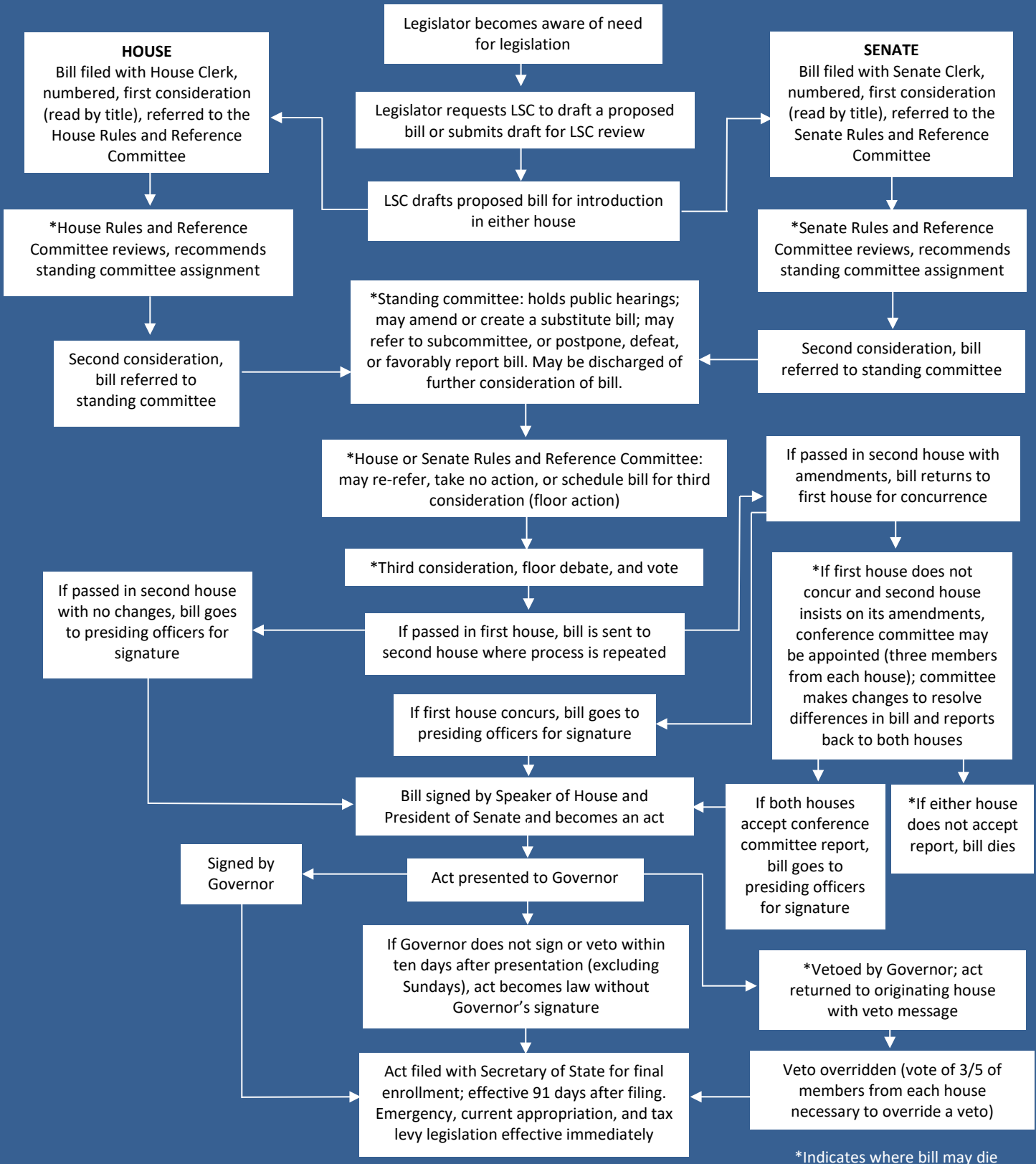
At the back of both the House and Senate sections of the *Bulletin* is a list of the House and Senate members, as appropriate, along with the bill and resolution numbers of legislation each member sponsored or cosponsored. Also listed are sections of the Ohio Constitution and the Revised Code affected by resolutions and bills that were introduced during the period covered by the *Bulletin*. In addition, the *Bulletin* lists special legislative committees and the members appointed to those committees. Finally, the *Bulletin* contains a subject matter index of all bills to assist in locating legislation by specific topics. *Bulletins* are available in the LSC library.

Laws of Ohio

The Secretary of State is required by statute to publish the session laws, known as *Laws of Ohio*, in a paper or electronic format at the end of each biennial session of the General Assembly. This is a compilation or list of all acts passed by that particular General Assembly. The acts appear in numerical order and in act form. They are available on the Secretary of State's website (<https://www.sos.state.oh.us/legislation-and-ballot-issues/laws-of-ohio/>). *Laws of Ohio* is the only official publication of the enactments of the General Assembly.

Checking historical legislation is especially useful if a member is attempting to learn how earlier acts affected a particular section of the Revised Code or what the exact changes were in an act from a previous General Assembly. The General Assembly website (archives.legislature.state.oh.us/) posts acts beginning with the 122nd General Assembly with links to related legislative documents. In addition, bound volumes of *Laws of Ohio* for past General Assemblies through the 126th General Assembly (2005-2006) are available in the LSC library.

How a Bill Becomes a Law in Ohio



Chapter 6

Tools for Understanding a Bill



Perry's Victory, Rotunda

How to Read a Bill

Members of the General Assembly rely on the nonpartisan staff of the Legislative Service Commission (LSC) to draft the bills they request. While the drafting work is performed by LSC, members should become familiar with the form and structure of bills in order to have a thorough understanding of the law-making process. Members can learn about the contents of a bill in a variety of ways such as reading bill analyses and fiscal notes or listening to committee testimony and the comments of sponsors, other legislators, and lobbyists. However, there is no substitute for reading the bill itself.

When reading a bill, a member may have questions relating to the meaning and clarity of the language. These are often the same questions that cause difficulties in administering the law when the bill is enacted. Occasionally, technical or legal terms are required, but normally the language of a bill should be simple and concise. If the language is not clear, the member should seek clarification.

Elements of a Bill

The Ohio Constitution requires legislation to be drafted in a specific format. The sample bill on the next page (Elements of a Bill) illustrates the major parts of a bill.

At the beginning of each bill is a paragraph called the title. The title, which is required by the Ohio Constitution, lists the sections of the Revised Code being amended, enacted, or

repealed. It also states in concise, general terms the subject of the bill. If the bill is an emergency measure, imposes a tax, or makes an appropriation, the title must include that information.

The next element in the bill is the style clause, also required by the Ohio Constitution. Each bill must include the clause: *“Be it enacted by the General Assembly of the State of Ohio.”* This phrase has no bearing on the substance of the bill, but all bills, even those that only repeal or amend rather than enact sections of the Revised Code, begin with this style clause.

The amending or enacting clause and the body of the bill appear in Section 1. The clause lists the Revised Code sections that the bill proposes to amend or enact. The body of the bill immediately follows the list of Revised Code section numbers. The text of each Code section being amended or enacted is printed in its entirety in numerical order. If the sole function of a bill is to repeal sections of the Revised Code, then Section 1 simply lists the sections being repealed. The text of sections being repealed outright — that is eliminated from the Revised Code — is not contained in the bill.

All proposed new language in the body of a bill is underlined. Note the word “sixty” in the body of the sample bill. If an entirely new section is being enacted, all the language of the new section is underlined. If existing law is being amended, the new language is underlined while the unchanged current law appears without underlining.

If the function of a bill is to remove language from existing law, the words to be removed are stricken through by a horizontal line. Note the stricken word ~~“fifty”~~ in the body of the sample bill. This means that if the bill is enacted, the words stricken through will be deleted from current law. If numerical references or grammatical symbols, such as commas and periods, are being removed, they also will be stricken through in the bill.

When a Revised Code section is amended, a new section is in effect created to take its place. The Ohio Constitution requires the repeal of the former section since it no longer exists. This is true even if much of the language of the section is unchanged. Therefore, it is necessary to state somewhere in the bill that the former section is repealed. This is normally done in Section 2 of the bill, otherwise known as the repeal clause. Section 2 contains a list of the section numbers of all existing sections of the Revised Code being repealed as a result of amendments. Outright repeals appear in a separate section of the bill after the repeal clause for sections that are being amended. The sections being repealed outright do not include the word “existing” before the word “section.” Note in Section 2 of the sample bill that “existing section 5748.06” is being repealed as a result of amendments and, in Section 3, “section 5748.07” is being repealed outright. In a bill that does nothing but repeal one or more sections of law outright, the repeal clause becomes Section 1, rather than Section 2.

Elements of a Bill			
	As Introduced		
	134th General Assembly Regular Session 2021-2022		
	Senator Ohio		S. B. No. 100
	A BILL		
	Title	To amend section 5748.06 and to repeal section 5748.07 of the Revised Code to increase the credit senior citizens may take against school district income taxes.	1 2 3
	Style Clause	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:	
	Amending or Enacting Clause	Section 1. That section 5748.06 of the Revised Code be amended to read as follows:	4 5
	Body	Sec. 5748.06. For a taxpayer sixty-five years of age or older during the taxable year, a credit shall be permitted against the tax otherwise due under this chapter for such year equal to fifty <u>sixty</u> dollars for each return required to be filed under section 5748.08 of the Revised Code for taxes levied under this chapter. The credit allowed under this section shall not exceed the tax otherwise due.	6 7 8 9 10 11
	Repeal Clause (for amended sections)	Section 2. That existing section 5748.06 of the Revised Code is hereby repealed.	12 13
	Repeal Clause (for sections repealed outright)	Section 3. That section 5748.07 of the Revised Code is hereby repealed.	14 15

Emergency Laws and Delayed Effective Dates

Under Article II, section 1c of Ohio's Constitution, after a bill is enacted, there is a 90-day time period before the bill goes into effect. During that period, the citizens may exercise their right of referendum, which allows the voters to approve or reject the bill (see [Chapter 2](#)).

However, emergency legislation is not subject to the referendum and goes into immediate effect. The reason for the emergency must be set forth in a separate section of the bill. That section must be voted on separately and receive the affirmative vote of 2/3 of the members elected to each house of the General Assembly. This section, called an emergency

clause, is usually the last section of a bill, frequently Section 3. The following is an example of an emergency clause:

Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for this necessity is that its enactment into law at the earliest possible time will prevent a lapse in the payment of benefits to Ohio's neediest citizens. Therefore, this act shall go into immediate effect.

A bill also may stipulate that certain of its sections will become effective on a specific date later than the 91st day after it is filed with the Secretary of State. There is no explicit authority for delayed effective dates in the Ohio Constitution. However, since the normal 90-day effective date allows voters to exercise their right of referendum, lengthening the period before which sections of a bill become effective does not interfere with this right of referendum and is presumably permitted by the Constitution.

Uncodified Law

Emergency clauses and effective date clauses are not the only matters placed in separate sections at the end of a bill. Laws of a special or temporary nature that are not assigned permanent Revised Code section numbers and are therefore called uncodified laws also appear at the end of a bill. The following is an example of an uncodified law:

Section 3. Not later than sixty days after the effective date of this act, the Auditor of State shall provide to the Director of Natural Resources a comprehensive audit of all funds, assets, and liabilities of the Department of Administrative Services that are related to the canal lands program. Upon receipt of the audit, the Director shall submit a copy of it to the Director of Budget and Management, who shall request Controlling Board approval to transfer all such funds, assets, and liabilities to the Department of Natural Resources that have not otherwise been transferred to that Department by this act.

As with any other statute, an uncodified law is part of the law of Ohio and is filed in the office of the Secretary of State. However, because it is not a law of a general and permanent nature, it does not appear in the statutes in codified form. It should be noted that when uncodified law is enacted, it does not appear in underlined form. Yet, when uncodified language

From Bill to Act to Law

- A bill becomes an act upon completion of action by both houses and signature of the presiding officers. It is then reprinted with the addition of the signature page and the words "An Act" replacing the words "A Bill."
- An act becomes law:
 - Upon signature of the Governor;
 - If the Governor fails to sign the act or return it with a veto within ten days, excluding Sundays; or
 - When a Governor's veto is overridden by a $\frac{3}{5}$ majority vote of the members of each house.
- Unless a law provides for a tax levy, is an appropriation for current expenses, or contains an emergency clause, it becomes effective on the 91st day after being filed with the Secretary of State.

that has already been enacted is amended, changes in the text appear stricken through or underlined just as in codified law.

Unlike some other states, Ohio generally does not include legislative findings or statements of intent in legislation. In the rare case that these statements are included in bills, they are included in the Revised Code rather than uncoded law.

Technical Rules to Remember When Reading a Bill

1. New language being added to an existing section of law is underlined. Language in existing law that remains unchanged appears without underlining.
2. Proposed new codified law is underlined. Proposed new uncoded law appears at the end of a bill and is not underlined.
3. With few exceptions, letters are not capitalized in codified law unless they are the first letter in a sentence or the first letter of a proper noun (e.g., “Revised Code” and “Ohio”).
4. Language, numbers, and punctuation to be deleted from existing law appear in a bill with a horizontal line through the text.
5. An existing section of law being amended requires repeal of the section as it existed prior to amendment and reenactment of the section with the amending language. Sections being repealed outright and not amended or reenacted are not printed in the bill; rather, a statement that the section is being repealed appears in the title and the repeal clause.
6. Numerical references to money or population are spelled out in codified sections. However, dates (e.g., July 1, 2021) and tables of numbers, such as the classification tables and pay ranges of state employees, are in numerical form.

The Ohio Revised Code

The vast majority of the bills considered by the General Assembly seek to amend, enact, or repeal some part of the Ohio Revised Code. Understanding the organization of the Revised Code can therefore improve understanding of a bill. As discussed earlier, statutes are enacted in two forms, codified and uncoded. Laws that are of a general and permanent nature are codified — that is, organized within the structure of the Revised Code.

Several sets of the commercially published reproductions of the Revised Code are available for members of the General Assembly to use. In the House, sets are available in the House chamber and the Clerk’s office. In the Senate, sets are available in the Senate chamber, several hearing rooms, the Clerk’s office, and the majority and minority caucus rooms. The LSC library also has sets of the Revised Code available for members to use. In addition, an electronic version can be accessed at the Laws link on the General Assembly’s website (www.legislature.ohio.gov/laws/ohio-codes).

The Revised Code in use today began as House Bill 1 of the 100th General Assembly. Its enactment in 1953 marked the culmination of a major revision effort aimed at reorganizing and restoring order to an earlier codification of Ohio statutes known as the General Code. The General Code had been in effect since 1910, when it was enacted to replace an even earlier

codification known as the Revised Statutes. Now in use longer than either of these earlier codifications, the Revised Code owes its longevity to its sound organization and to the program of continuing code revision maintained by LSC staff.

Revised Code Organization

The Revised Code is organized into titles, chapters, and sections. General provisions, which pertain to the entire Code, are contained in a separate volume. There are 32 odd-numbered titles (1-63) and one even-numbered title (58) arranged by subject.

Revised Code Numbering

Sec. 5748.081



1. **Title number.** The 3rd or the 3rd and 4th digits to the **left** of the decimal point. If there is only one digit to the left of the decimal point, the reference is to the General Provisions, an unnumbered title.
2. **Chapter number.** The 1st and 2nd digits to the **left** of the decimal point in a particular title.
3. **Section number.** The 1st and 2nd digits to the **right** of the decimal point, of a particular chapter within a title.
4. **Supplemental section number.** One or more additional digits to the **right** of the decimal point.

Titles, the most general classification, are divided into chapters, each of which deals with a particular topic of the law within the general subject of the title. The chapters are further divided into sections. The sections contain the text of individual statutes pertaining to the chapter subject matter. Initially, to allow for growth, only odd-numbered titles and chapters were used. However, the Revised Code now includes one even-numbered title and some even-numbered chapters. Sections are numbered consecutively within a chapter. Occasionally, it is necessary to add supplemental sections to the Revised Code between consecutively numbered sections. These sections are indicated by one or more additional digits to the right of the decimal point.

Chapters are usually organized in a standard order. If special terms are used within a chapter, definitions will appear in the first section, followed by the main subject of the chapter, administrative provisions, exceptions, and, if needed, penalties. As a general rule, a section prescribing a penalty is designated section “.99” in a given chapter. However, there are numerous exceptions, especially in Title 29

(the Criminal Code), Chapter 3599 (offenses and penalties under the Election Law), and Title 45 (the Motor Vehicle, Aeronautics, and Watercraft Laws).

Most statutes that have application throughout the Revised Code, and some miscellaneous laws, have been assigned to the General Provisions instead of to a numbered title. These include rules guiding the interpretation and construction of statutes (found in Chapter 1 of the General Provisions) and statutes designating Ohio’s official state symbols such as the state flag, bird, song, beverage, and invertebrate fossil (Chapter 5 of the General Provisions).

Commercial Publication of the Revised Code

During most sessions of the General Assembly, hundreds of sections of the Revised Code are enacted, amended, or repealed. For this reason, keeping the organization of the statutes current is a major challenge for the commercial publishers of the Revised Code. They do not

attempt to reprint each title (normally published as a single book or volume) following each session of the General Assembly. Instead, they annually supplement the material contained in each volume to reflect the changes in law enacted during the preceding year. The publishers provide the supplemental material, or “pocket part,” in a format that is easily slipped into a pocket located at the back of the volume. When the supplemental material for a particular volume of the Revised Code becomes extensive, the publishers either provide a separately bound paperback supplement or reissue the volume entirely. The publishers of the Revised Code also provide their subscribers with the full text of the most recently enacted laws on a monthly basis.

Research Aids and Annotations

In addition to reproducing the text of Ohio’s codified statutory law, the publishers of the Revised Code provide various research aids, including indexes, annotations to judicial decisions and opinions of the Ohio Attorney General, the legislative history of each section, cross-references to other statutes, court rules, citations to law review articles, and the complete texts of the United States and Ohio Constitutions. As with the sections of the Revised Code, these research aids are regularly updated. Uncodified sections of law also may be included in the relevant volumes, usually as annotations to the Revised Code sections to which they relate. The names or headings that commercial publishers give to Revised Code titles, chapters, and sections are unofficial and not part of the law.

The Revised Code Online

An unannotated version of the Revised Code is available to the public online, free of charge at codes.ohio.gov (also accessible via the Laws link on the General Assembly’s website, www.legislature.ohio.gov/laws/ohio-codes). Over the years, the site was maintained under contract with various commercial legal publishers, most recently Lawriter. Beginning in April 2021, it will be maintained by LSC, which by law has become the official publisher of the online Revised Code and Ohio Administrative Code. The site offers keyword searching.

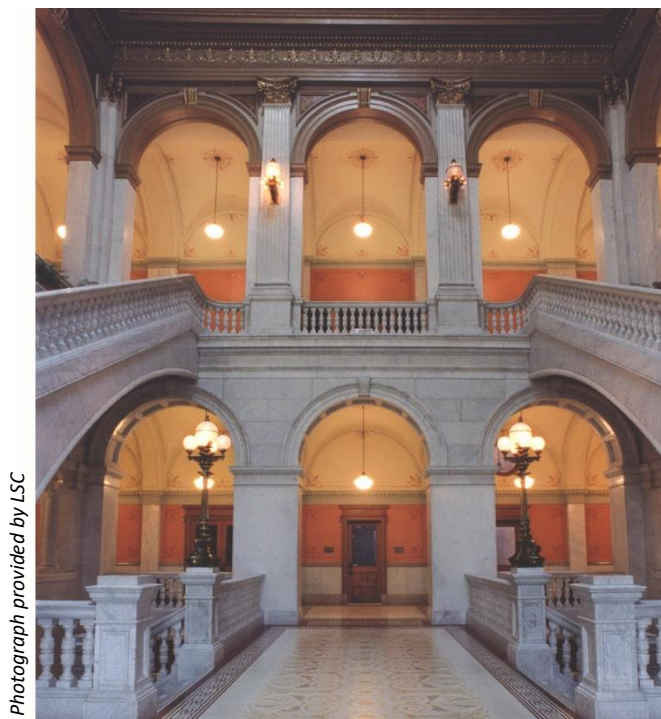
Titles of the Revised Code

General Provisions

1 State Government	33 Education-Libraries
3 Counties	35 Elections
5 Townships	37 Health-Safety-Morals
7 Municipal Corporations	39 Insurance
9 Agriculture-Animals-Fences	41 Labor and Industry
11 Financial Institutions	43 Liquor
13 Commercial Transactions-Ohio Uniform Commercial Code	45 Motor Vehicles-Aeronautics-Watercraft
15 Conservation of Natural Resources	47 Occupations-Professions
17 Corporations-Partnerships	49 Public Utilities
19 Courts-Municipal-Mayor's-County	51 Public Welfare
21 Courts-Probate-Juvenile	53 Real Property
23 Courts-Common Pleas	55 Roads-Highways-Bridges
25 Courts-Appellate	57 Taxation
27 Courts-General Provisions-Special Remedies	58 Trusts
29 Crimes-Procedure	59 Veterans-Military Affairs
31 Domestic Relations-Children	61 Water Supply-Sanitation-Ditches
	63 Workforce Development

Chapter 7

Legislative Oversight



Photograph provided by LSC

View of Grand Staircase, Senate Building

What is Legislative Oversight?

The legislature's review and evaluation of selected activities conducted by the executive branch is referred to as "legislative oversight." The legislative branch conducts oversight activities because it has a duty to ensure that programs enacted by it are implemented and administered: efficiently, effectively, and in a manner consistent with legislative intent.

In Ohio, legislative oversight likely originated as a result of early statutory provisions that required various state agencies to submit annual reports to the General Assembly. Some reports were required to document an agency's expenditures, while others were intended to provide a more comprehensive description of the agency's overall performance. This manner of legislative oversight continues today in a slightly modified form, as most state agencies are required to file some type of annual report with the Legislative Service Commission (LSC), which in turn provides a list of all reports to each member of the General Assembly. The LSC also serves as a legislative budget oversight commission. The LSC has its own staff but may delegate to any committee it creates the responsibility to review state agencies and programs, state and local assistance programs, and state laws.

Over the years, the legislature has:

- Created a legislative budget office within LSC to provide an independent source of fiscal information relating to state revenues and expenditures;

- Established a formal procedure for review of all administrative rules adopted by executive branch agencies;
- Established sunset laws and the Sunset Review Committee to formally evaluate state boards and agencies on a regular basis;
- Conducted several reviews of executive branch programs under LSC's authority to serve as a legislative budget and program oversight commission; and
- Established occupational and licensing laws to regularly and formally review state occupational licensing boards by committees created by the Speaker of the House of Representatives and the President of the Senate.

Activities That Include Oversight

Legislative Committees with Oversight Functions

In the General Assembly, the work of standing committees, select committees, and task forces may include oversight activities. The most direct and formal oversight functions are carried out by special or select committees created to review very specific and narrowly defined issues. These committees may consist exclusively of legislators or they may include legislators as part of a broader committee membership. The work of these committees may be assisted by LSC staff, agency staff, or the committee's own staff. An example of a legislative oversight committee is the Joint Medicaid Oversight Committee.

Review of Administrative Rules

The legislature's review of administrative rules is another way in which the General Assembly oversees the executive branch. A "rule" is a formal written statement of law that state agencies adopt to carry out statutory policies and administer programs. The General Assembly's role in the rulemaking process is the review and possible invalidation of proposed and adopted rules. Additional information about rulemaking procedures appears in [Chapter 10](#).

The Joint Committee on Agency Rule Review (JCARR) is the vehicle through which the General Assembly exercises its rulemaking oversight. JCARR consists of five members of the House of Representatives appointed by the Speaker of the House and five members of the Senate appointed by the President of the Senate. No more than three members from each house may be of the same political party. JCARR is primarily responsible for reviewing proposed and adopted rules.

Invalidation Recommendations

JCARR may recommend that the General Assembly invalidate a proposed or adopted rule, but the power to invalidate a rule is vested solely in the General Assembly.

Proposed or Revised Proposed Rules

JCARR may recommend that the General Assembly invalidate a proposed rule or a revised proposed rule for any of the following reasons:

- The rule exceeds the scope of its statutory authority;

- The rule conflicts with the legislative intent of the statute under which it was proposed;
- The rule conflicts with another proposed or existing rule;
- The rule improperly incorporates material by reference;
- The rulemaking agency failed to prepare a complete and accurate rule summary and fiscal analysis as required by statute; or
- The rulemaking agency failed to demonstrate that the rule's regulatory intent justifies its adverse impact on businesses in the state.

Adopted Rules

JCARR may recommend that the General Assembly invalidate an adopted rule if any of the following applies:

- The agency, in reviewing the rule and in recommending its continuance without amendment or rescission, improperly applied the review criteria specified in the Revised Code;
- The rule has an adverse impact on business and the agency has failed to demonstrate that the regulatory intent of the rule justifies its adverse impact; or
- The agency failed to properly incorporate material by reference.

Agency Failure to Adopt Rule

Finally, JCARR may require an agency that apparently has failed to adopt a rule as required by statute to appear before JCARR. If JCARR determines that such a failure has occurred, it may advise, but not require, the agency to commence rulemaking procedures.

Sunset Provisions

A "sunset" provision is a provision enacted by the General Assembly that places an expiration date on an entire act or part of an act. The purpose of a sunset provision is to force a systematic evaluation of an agency or program by establishing a specific date for the termination of the law creating the agency or program. An agency or program cannot continue beyond the sunset date unless the General Assembly reenacts the authorizing statute or repeals the automatic termination provision.

Sunset Review Process

The Sunset Review Law automatically terminates most state boards, commissions, committees, and councils four years after they are established unless they are continued by new legislation. The Sunset Review Committee, established by the law, reviews individual agencies according to a schedule. However, certain agencies are specifically exempt. The Committee receives a report from all agencies subject to review, holds public hearings concerning those agencies, and recommends a bill to the General Assembly regarding the future of the agencies. For each agency being reviewed, the recommended bill may propose that the General Assembly renew or abolish the agency, transfer the agency's functions to another agency, or amend or repeal statutes in order to improve the agency's usefulness, performance, or effectiveness. The Sunset Review Committee is composed of three Senators, three Representatives, and three

individuals appointed by the Governor with the advice and consent of the Senate. A Sunset Review Committee must be created to function during each odd-numbered General Assembly. The next Sunset Review Committee will conduct agency reviews in calendar years 2023 and 2024 during the 135th General Assembly.

Occupational Regulation Review

The Occupational Regulation Review Law automatically terminates any board, commission, committee, council, or other state public body that issues an occupational license (“occupational licensing board”) if it is not renewed by an act of the General Assembly within six years of its creation or its last renewal. No occupational licensing boards will be terminated under the law before December 31, 2024.

Each biennium, the Speaker of the House and the President of the Senate must direct a standing committee to review about 33% of the state’s occupational licensing boards. The House committee reviews the boards the first year of the biennium and the Senate committee reviews the boards the second year of the biennium. As part of the process, each board that is under review must submit a report containing the board’s purpose, workload, budget, and staffing. Generally, this report is sent to both the House and the Senate committees. LSC must provide staff assistance to the committees, and each committee must publish a report of its findings and recommendations. Recommendations may be in the form of a bill.

The law also requires LSC to prepare and issue a report each biennium on about 33% of the occupations that are subject to regulation by the state. More than 600 occupations are currently subject to state regulations. The report must compare the current regulatory scheme for each occupation with the state’s general policy on occupational regulation. In practice, LSC’s report covers licensed and board-regulated occupations that are slated for review in the following biennium, thus allowing the standing committees of the new biennium to use LSC’s report for guidance in conducting their review.

In addition, LSC staff must report on any introduced bills that propose to substantially change or enact occupational regulations. This report must (1) explain the bill’s regulatory framework in the context of Ohio’s statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill’s potential impact on employment, consumer choice, market competition, and cost to government.

Fiscal Oversight

The General Assembly utilizes a number of oversight procedures during the budget process, including the enactment of statutory reporting requirements, which may be instituted to monitor an agency’s expenditures of state and federal funds. A standard provision adopted in the creation of some boards and commissions is a requirement that the board or commission prepare and submit an annual spending report to the General Assembly.

The budget process provides for a retrospective view of past appropriations and a prospective examination of requested appropriations. The budget document prepared by the Governor and the Office of Budget and Management includes this information. Legislative

oversight is carried out throughout the hearings on the budget bill, which involve substantial interaction between legislators and agency representatives. See [Chapter 8](#) for a detailed discussion of the budget process.

Controlling Board

The Controlling Board offers yet another means through which legislators can provide oversight and control of agency appropriations and expenditures. It consists of six legislators and the Director of Budget and Management or the Director's designee, who serves as president. Legislative members include the chairperson or vice-chairperson of the House Finance Committee as designated by the Speaker of the House, the chairperson or vice-chairperson of the Senate Finance Committee as designated by the President of the Senate, two members of the House of Representatives appointed by the Speaker of the House (one from the majority party and one from the minority party), and two members of the Senate appointed by the President of the Senate (one from the majority party and one from the minority party).

The President of the Controlling Board is responsible for preparing the proposed agenda for each Board meeting at which state agencies submit specific requests to the Board. These requests may seek approval for the transfer of funds within a state agency or a transfer of appropriated funds from one fiscal year to the next. Additionally, agencies may ask the Controlling Board to waive competitive bidding requirements under specified conditions. The Controlling Board has authority to do the following:

- Release appropriated funds that, by law, require Board approval before expenditure;
- Authorize certain purchases to be made by state agencies without competitive selection;
- Authorize expenditures from revenues not anticipated in the current appropriations act; and
- Transfer funds and appropriations or parts of appropriations.

Controlling Board Actions

The following are examples of Controlling Board actions:

- Transfers of funds from one fiscal year to another;
- Transfers of all or part of an appropriation within a state agency's budget (but not between state agencies); and
- Temporary transfers of funds included in the emergency purposes appropriation of the Controlling Board.

The Controlling Board may not take any action that does not carry out legislative intent regarding program goals and levels of support expressed in prevailing appropriation acts.

Advice and Consent to Gubernatorial Appointments

As authorized by the Ohio Constitution, statutes often require members of state boards and commissions appointed by the Governor to be confirmed by the Senate. The Senate's advice and consent are also required for the Governor's appointments of agency heads. The Senate may

use these advice and consent powers to exercise legislative oversight by reviewing the background and qualifications of individuals selected to assume policymaking positions in state government.

Chapter 8

The Ohio Budget Process

Images courtesy of the Capital Square
Review and Advisory Board



Senate Finance Hearing Room



House Finance Hearing Room

State Treasury Revenue and Expenditures

Legislators consider hundreds of bills during a typical biennial session of the General Assembly, but no legislation is more important to the operation of state government than the bills that compose the state budget. It is through the enactment of these bills that the General Assembly is able to allocate the state's financial resources among the thousands of competing spending priorities.

Involvement in the budget process by the General Assembly is mandated by the Ohio Constitution, primarily by Article II, Section 22, which states:

No money shall be drawn from the state treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years.

Since a specific appropriation made by law is required in order to spend state money, the General Assembly, as the law-making branch of government, is an essential participant in spending decisions.

The state budget is normally in effect for a period of two fiscal years, although the Constitution permits appropriations for shorter periods. The state fiscal year begins on July 1 and runs through June 30 of the following year. For example, fiscal year 2021 runs from July 1, 2020, through June 30, 2021. The new budget must be adopted before spending authority under the old budget expires.

From the perspective of the legislature, work on the budget occurs primarily in the first six months of the biennial session of the General Assembly. This work entails the introduction, hearing, and enactment of:

1. The main operating appropriations bill, which provides funding for most state agencies, the legislature, and the judiciary;

2. The transportation appropriations bill for programs funded with motor vehicle fuel taxes and registration fees (primarily in the departments of Transportation and Public Safety); and
3. Appropriations bills for the Bureau of Workers' Compensation and the Industrial Commission, which are agencies that are funded by public and private sector employers.

In the second year of a biennium, two other important appropriations bills are generally enacted. One, known as the capital appropriations bill, appropriates money for projects involving the acquisition, construction, equipment, or renovation of buildings and other facilities of agencies other than the Department of Transportation. (The Department of Transportation's capital appropriations are normally included in the transportation appropriations bill.) The second, known as the capital reappropriations bill, reappropriates any amounts of the original appropriations for such projects that have not yet been obligated or expended and that are still needed for the projects. This is a common occurrence, since construction projects frequently take longer to complete than the two-year life of an appropriation.

Frequently, the capital appropriations bill or capital reappropriations bill also includes supplemental operating appropriations and corrections of provisions enacted in earlier appropriations acts. Additionally, the General Assembly may enact other supplemental appropriations bills during any session should there be a need to do so.

General Revenue Fund

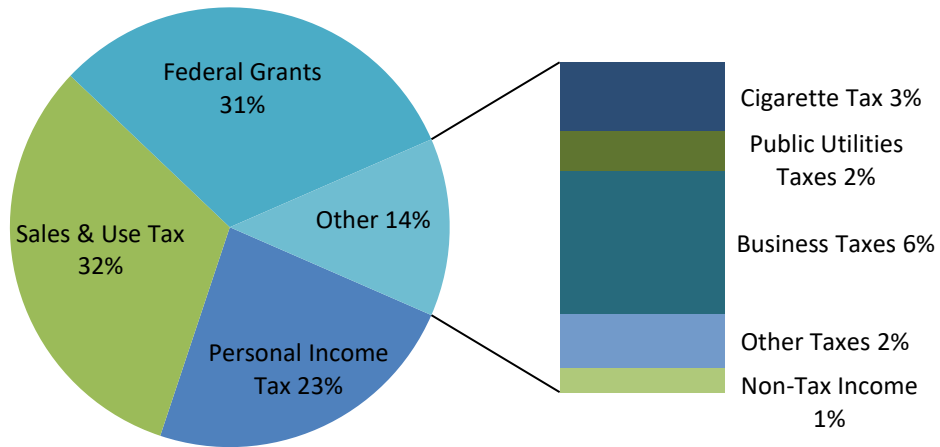
During the budget process, the General Assembly primarily focuses on estimated revenues for and proposed appropriations from the General Revenue Fund (GRF). The GRF is the largest state fund from which all major state agencies receive financing. Moneys in the GRF are available for expenditure for any lawful public purpose specified by the General Assembly in its discretion.

The two charts on the next page summarize the sources of revenue deposited in the GRF and the expenditures made from the GRF in fiscal year 2020. As shown in the first chart, federal grants made up 31% of GRF revenue in fiscal year 2020. These grants were primarily reimbursements for the federal share of Medicaid expenditures made from the GRF. Nonfederal (state-source) revenue made up the remaining 69% of total GRF revenue. State-source revenue mainly consisted of the sales and use tax (32% of total GRF revenue), the personal income tax (23%), and other smaller taxes (13%).

Program expenditures from the GRF, shown in the second chart, are dominated by Medicaid (47% in fiscal year 2020). A large part of GRF Medicaid spending is supported by federal grants (68% in fiscal year 2020). Primary and secondary education for that period was the second largest GRF spending area at 29%.

Sources of Revenue for the GRF

Total = \$33.42 billion in FY 2020 (Excluding Transfers)



Public Utilities Taxes:

Public Utility Excise Tax, Kilowatt Hour Tax, and Natural Gas Distribution (Mcf) Tax

Business Taxes:

Commercial Activity Tax, Corporate Franchise Tax, Financial Institutions Tax, and Petroleum Activity Tax

Other Taxes:

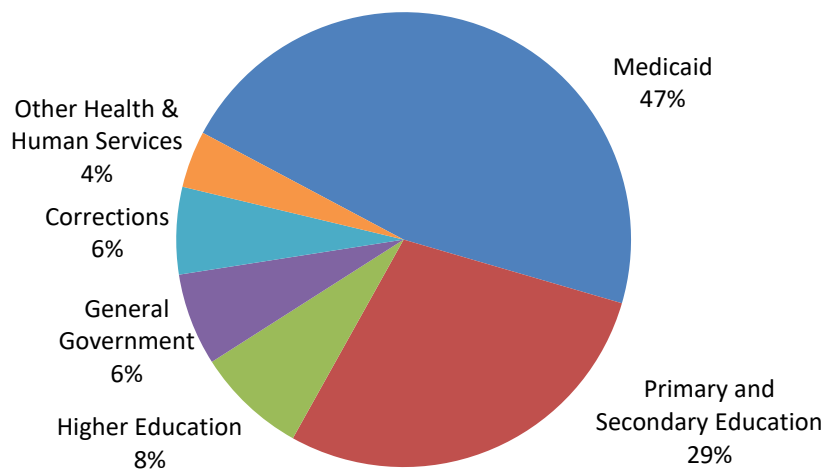
Domestic & Foreign Insurance Taxes, Alcoholic Beverage Tax, Liquor Gallonage Tax, Estate Tax, and Business & Property Taxes

Non-Tax Income:

Earnings on investments and various charges, including licenses and fees

Expenditures by Program from the GRF

Total = \$33.10 billion in FY 2020



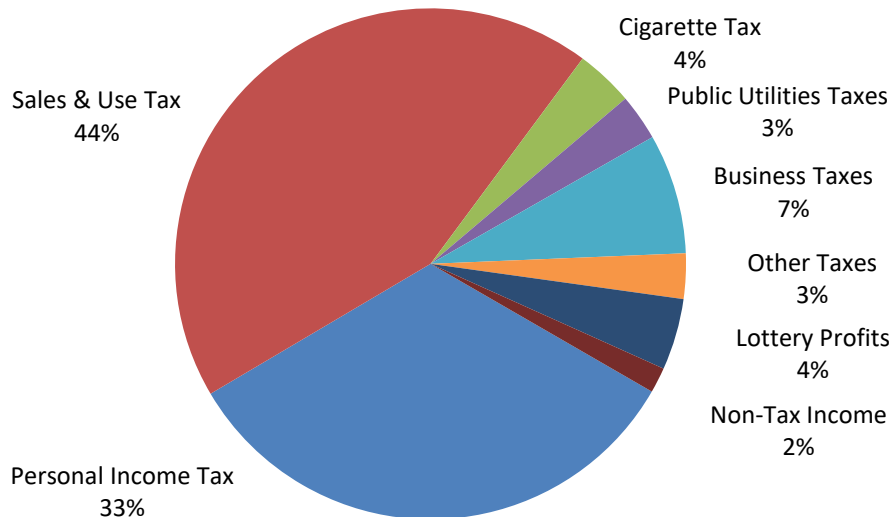
General State Tax Revenues and Lottery Profits

While the majority of general state tax revenues are deposited into the GRF, a small percentage goes to the Local Government Fund (LGF) and the Public Library Fund (PLF). Moneys in these funds are distributed to local governments and public libraries to support their operations. Another source of state revenue, lottery profits, is used in conjunction with the GRF. Lottery profits are constitutionally earmarked for primary and secondary education.

The chart below summarizes, for fiscal year 2020, the state sources of revenue deposited in the GRF, LGF, and PLF, as well as revenue from lottery profits. As shown in the first chart, the sales and use tax made up 44% of the total and the personal income tax made up 33%.

State Sources of Revenue for the GRF, LGF, PLF, and Lottery Profits

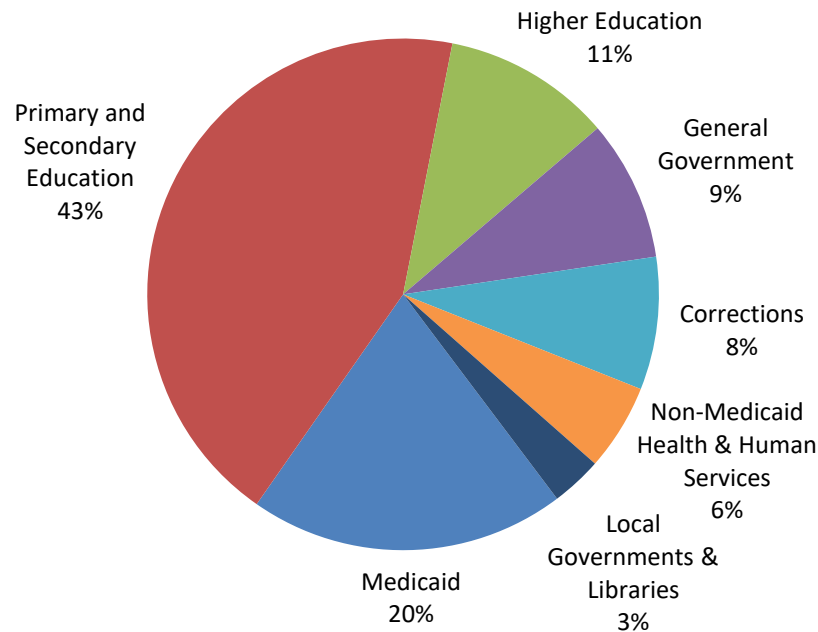
Total = \$24.94 billion in FY 2020



The chart on the following page summarizes, for fiscal year 2020, expenditures by program from the state sources of revenue deposited in the GRF, LGF, and PLF, as well as revenue from lottery profits. As shown in the chart, primary and secondary education is the largest spending program at 43% in fiscal year 2020, followed by Medicaid at 20%. While Medicaid has consistently been the largest spending program of the total state and federal GRF as shown in the second chart of the above General Revenue Fund section, primary and second education has traditionally dominated in the expenditures of general state tax revenues and lottery profits.

Expenditures by Program from the State-Source GRF, LGF, PLF, and Lottery Profits

Total = \$24.46 billion in FY 2020



Budget Requirements to Consider

As part of its responsibility to enact a budget for the operation of Ohio's state government, the General Assembly must consider the requirements that the budget be balanced and meet certain appropriation limitations.

Balanced Budget Requirements

No one statute or section of the Ohio Constitution explicitly states that Ohio must keep its budget in balance. However, there are several provisions that, when read together, make it clear that the state may not spend more money than is available. The following directives in the Constitution and the Revised Code ensure that Ohio keeps its budget balanced by:

- Limiting the state's ability to incur debt (Article VIII, Sections 1 through 3);
- Requiring the General Assembly to provide for raising revenue sufficient to defray state expenses each year (Article XII, Section 4);
- Permitting money in the state treasury to be spent only pursuant to an appropriation made by law (Article II, Section 22);
- Limiting the duration of appropriations to two years (Article II, Section 22); and
- Requiring the Governor to curtail spending in the event of insufficient revenue (Revised Code 126.05).

If appropriations bills that set forth a balanced budget are not enacted and approved by the Governor in time to become effective on or shortly after July 1 of the new fiscal biennium, an “interim” appropriations bill is necessary to provide for continued funding on an emergency basis.

State Appropriation Limitation

In addition to the constitutional budget limitations, the Revised Code requires the Governor to include a state appropriation limitation as part of the Governor’s executive budget proposal submitted at the beginning of each new General Assembly. The spending the Governor proposes in the executive budget cannot exceed each year’s limitation. The law prohibits the General Assembly from exceeding the limitation when making aggregate GRF appropriations for each fiscal year of the biennium covered by that budget. Generally, the limitation is increased by 3.5% each year, and every fourth fiscal year, it is recalculated based on the prior year’s aggregate GRF appropriations rather than prior year’s appropriation limitation. The limitation was most recently recalculated in fiscal year 2020. So, the limitation will grow by 3.5% per year in fiscal years 2021 through 2023. The Governor’s budget recommendation for the 134th General Assembly states the limitation of \$25.42 billion for fiscal year 2022 and \$26.31 billion for fiscal year 2023.

The General Assembly may exceed the limitation for a fiscal year under either of two circumstances, as follows:

- Excess appropriations may be made in response to the Governor’s proclamation of an emergency concerning such things as an act of God, a pandemic disease, or terrorist attacks. The excess amounts may be used only for that emergency. Any appropriations made in response to an emergency proclamation are not included as aggregate GRF appropriations for purposes of determining the limitation for successive years; or
- By an affirmative vote of 2/3 of the members of each house, the General Assembly may make excess appropriations through a bill that identifies the purpose of the appropriations and complies with other requirements stated in the law.

The Budget Process

Although all are considered part of the budget process, the operating appropriations bills and the capital appropriations bill follow different timetables.

Operating Appropriations Bills

In the case of the operating appropriations bills, the process begins in the middle of each even-numbered year.

Executive Branch Process

The Office of Budget and Management (OBM) initiates the process by submitting to agencies receiving appropriated funds detailed instructions on the process and formats they are to follow in preparing their budget requests, as well as the date by which the requests must be submitted to OBM.

After receiving an agency's budget request, OBM reviews the request and holds meetings and budget hearings with the agency as needed. OBM then works with the Governor and his or her staff to formulate preliminary budget recommendations. By law, budget requests of the legislative and judicial branches are exempt from approval, disapproval, or modification by OBM and the Governor during this process. Ultimately, all of the recommended appropriations, including those for the legislature and judiciary, are published in the executive budget document. Also published in the document is a report on "tax expenditures" – revenue not available to the General Revenue Fund because of deductions, exemptions, and credits in tax laws. This part of the document is prepared by the Department of Taxation.

The Governor must present the executive budget to the General Assembly within four weeks after its organization early in January of every odd-numbered year. However, in years in which a new Governor takes office, the main operating budget may be presented as late as March 15. However, even if the Governor is new, the transportation budget proposal must still be submitted to the General Assembly within four weeks of its organization.

Legislative Branch Process

The staff of the Legislative Service Commission (LSC) drafts the Governor's proposed budget in the form of legislation.

House

By tradition, the bills are introduced in the House of Representatives. House committee hearings on the main operating appropriations bill are conducted by the full Finance Committee and by its standing subcommittees. Near the end of the hearing process, the chairperson of the committee hearing the bill usually instructs LSC to draft a substitute bill that makes changes to the bill as introduced. Many of the changes to the bill are based on recommendations of the subcommittees. The substitute bill is then considered and amended in full committee, reported, and sent to the House floor for third consideration.

The committee process in the House for the transportation operating appropriations bill is handled in a similar manner as the main operating appropriations bill. However, in recent General Assemblies, the operating appropriations bills for the Bureau of Workers' Compensation and the Industrial Commission have been referred to and heard by the House committees with jurisdiction over the respective subject matters and thereafter re-referred to the Finance Committee for examination.

Senate

After the House passes the operating appropriations bills, they are introduced in the Senate. The transportation appropriations bill and the appropriations bills for the Bureau of Workers' Compensation and the Industrial Commission are usually referred to the Senate committees with jurisdiction over the respective subject matters. Due to the limited amount of time available, the Senate Finance Committee and its subcommittees ordinarily begin their hearings on the main operating appropriations bill while the bill is still in the House Committee. At some point, LSC staff are instructed to draft substitute bills to incorporate the changes the Senate would like included to the House-passed versions of the bills. The substitute bills are considered and amended in full committee and then passed by the Senate.

Conference Committee

Since it is unusual for the House to concur in the Senate amendments to the main operating appropriations bill, the bill is normally sent to a committee of conference. Conference committee meetings usually take place over a period of at least two weeks, after which the conference committee prepares a committee report to submit to the House and Senate.

Governor's Action

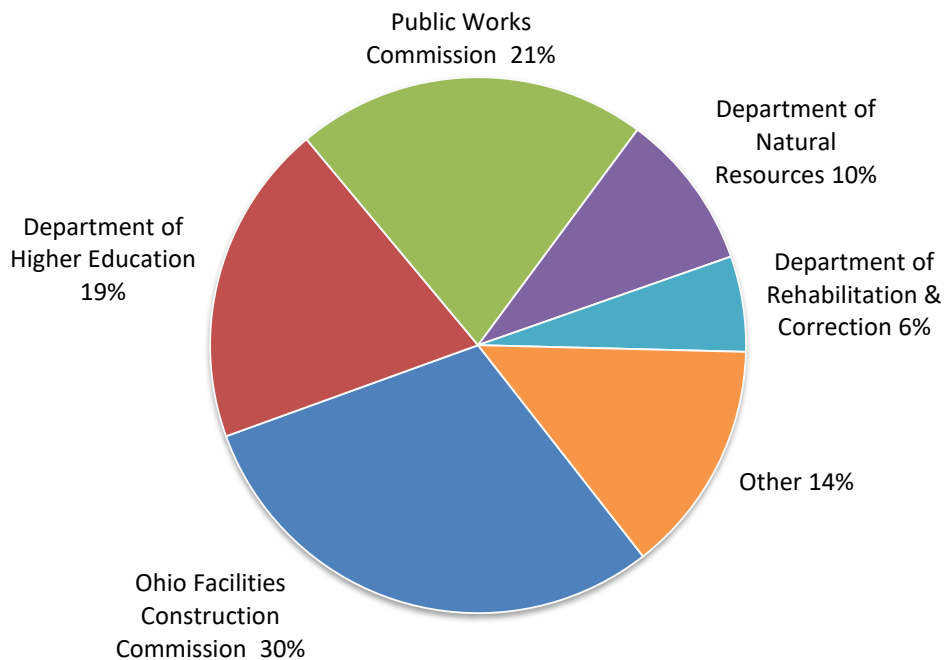
If both houses agree to the conference committee report, the act is quickly enrolled so that it can be reviewed by the appropriate executive agencies and signed by the Governor. Since the Constitution empowers the Governor to veto any item in an act making an appropriation, approval of the act is usually accompanied by the Governor's line-item veto (disapproval of specific items in the act). The Governor sets forth the reasons for vetoing these items in a written veto message. The General Assembly can override a line-item veto by a 3/5 majority vote of each house.

Capital Appropriations Bill

The process of enacting a biennial capital appropriations bill is simpler and shorter than the one for enacting the operating appropriations bills. It also occurs within the context of another activity – the preparation of the state's six-year Capital Improvements Plan. This plan is updated biennially by OBM on the basis of recommendations it receives from affected state agencies. The process usually begins in the late summer of each odd-numbered year, when OBM distributes guidelines to the agencies for the preparation of both the Capital Budget and the six-year Capital Improvements Plan. As with the operating appropriations bills, OBM reviews the agencies' submissions and sends its preliminary recommendations to the Governor. When final decisions have been made, the Governor's recommendations are drafted as a bill by LSC staff. Unlike the months-long process of considering the operating appropriations bills, the process of considering the capital appropriations bill usually concludes within a matter of weeks. The chart on the following page illustrates expenditures made from capital appropriations for fiscal year 2020.

Expenditures Made from Capital Appropriations by Agency

Total = \$1.32 billion in FY 2020



Note: This chart excludes capital expenditures made from operating appropriations, such as state and federal funding for highway construction and maintenance.

Understanding Appropriations Bills

Operating Appropriations

The operating appropriations bills usually contain both line-item appropriations and language appropriations.

Line-Item Appropriations

The example on the next page is an excerpt from Section 325.10 of H.B. 166 of the 133rd General Assembly. Section 325.10 contains line-item appropriations to the State Library Board, which provides library and information services to various entities in Ohio. The appropriations are made from money credited to six different funds, each of which is identified by an abbreviation of its fund name or by its fund number. OBM classifies all state funds into fund groups including, in the State Library Board example, the General Revenue Fund Group, Dedicated Purpose Fund Group, Internal Service Activity Fund Group, and Federal Fund Group. The largest of the fund groups contains only one fund – the General Revenue Fund.

**Excerpt of Line-Item Appropriations from H.B. 166,
133rd General Assembly**

SECTION 325.10. LIB STATE LIBRARY BOARD

Fund	Appropriation Line Item (ALI)	ALI Title	FY 2020	FY 2021
General Revenue Fund				
GRF	350321	Operating Expenses	\$4,543,122	\$4,543,122
GRF	350401	Ohioana Library Association	\$300,114	\$300,114
GRF	350502	Regional Library Systems	\$500,000	\$500,000
TOTAL GRF General Revenue Fund			\$5,343,236	\$5,343,236
Dedicated Purpose Fund Group				
4590	350603	Services for Libraries	\$4,202,887	\$4,202,887
4S40	350604	Ohio Public Library Information Network	\$5,696,898	\$5,696,898
5GB0	350605	Library for the Blind	\$1,274,194	\$1,274,194
TOTAL DPF Dedicated Purpose Fund Group			\$11,173,979	\$11,173,979
Internal Service Activity Fund				
1390	350602	Services for State Agencies	\$8,000	\$8,000
TOTAL ISA Internal Service Activity Fund Group			\$8,000	\$8,000
Federal Fund Group				
3130	350601	LSTA Federal	\$5,366,565	\$5,366,565
TOTAL FED Federal Fund Group			\$5,366,565	\$5,366,565
TOTAL ALL BUDGET FUND GROUPS			\$21,891,780	\$21,891,780

Following the fund's abbreviation or number is the appropriation line item (ALI). The first ALI in the appropriations section for the State Library Board is "350321." The first three numerals of the ALI ("350") denote the agency or division of the agency to which money is being appropriated. The last three numerals of the ALI denote the object of expenditure. These numerals indicate specific types of accounts listed in the state's chart of accounts. Following the ALI "350321" is the ALI title describing the type of expenditure, in this case "Operating Expenses." An appropriation may be spent only for the object of expenditure indicated unless the Controlling Board subsequently agrees to transfer all or part of the amount from one account of the agency to another account of the same agency.

To the right of the ALI title are the amounts appropriated for the first and second fiscal years of the biennium. Appropriations made for a specific fiscal year may be expended to pay liabilities incurred in that fiscal year only, unless an exception to this provision is provided by law. One exception, enacted every biennium, is for the largest line-item appropriation in the main operating appropriations bill, the "Medicaid/Health Care Services" appropriation to the Department of Medicaid. Another exception allows for payment of liabilities that were incurred in a prior fiscal year but had not been paid at the close of that fiscal year.

Accounts are numbered as follows:

- "100" are for personal services (including agency payroll);
- "200" are for maintenance;
- "300" are for equipment. A "321" appropriation may be spent on personal services, maintenance, or equipment in whatever proportions the agency decides;
- "400" are for special purpose accounts. Money appropriated from a special purpose account may be spent only for the purpose indicated;
- "500" are for subsidies. In general, money from a "500" account is distributed as a subsidy and not used for operating costs of the state agency that distributes the subsidy; and
- "600" are for special revenue funds. Money that is credited to a special revenue fund usually comes from a narrow range of sources, such as specific taxes or fees, and often is restricted by statute to be used for specified purposes related to those sources.

Earmarking and Intent Language

Following the line-item appropriations, there may be intent or earmarking language. This language is included in the bill when the General Assembly sees a need to qualify or elaborate upon the spending being authorized in a line-item appropriation. Intent language may express the General Assembly's intent for the use of the entire appropriation such as this example in Section 325.20 of H.B. 166 of the 133rd General Assembly:

REGIONAL LIBRARY SYSTEMS

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code.

Earmarking sets aside part of an appropriation for a specific purpose. Earmarks may be mandatory or permissive and may be for an exact amount, a maximum amount (“up to”), or a minimum amount (“not less than”). The following are illustrations from Sections 265.90 and 307.110 of H.B. 166 of the 133rd General Assembly:

SECTION 265.90. STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student Assessment, up to \$2,760,000 in each fiscal year may be used to support the state’s early learning assessment work and the assessments required under section 3301.0715 of the Revised Code.

SECTION 307.110. FAMILY AND CHILDREN SERVICES

Of the foregoing appropriation item 600523, Family and Children Services, not less than \$125,040,010 in each fiscal year shall be provided to public children services agencies.

Language Appropriations

Not every appropriation is drafted in the form of a line item. In circumstances in which it is impossible to estimate the full amount of spending to be authorized, an appropriation may instead take the form of a statement of the amount that is necessary to accomplish the purpose. Section 503.40 of H.B. 166 of the 133rd General Assembly is a language appropriation:

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS

In order to provide funds for the reissuance of voided warrants under section 126.37 of the Revised Code, there is hereby appropriated, out of moneys in the state treasury from the fund credited as provided in section 126.37 of the Revised Code, that amount sufficient to pay such warrants when approved by the Office of Budget and Management.

Capital Appropriations

Capital appropriations are formatted differently from operating appropriations. Among the most obvious differences are the ALIs, the first character of which is the letter “C” followed by three numerals denoting the agency or division of the agency to which money is being appropriated. Another difference is the ALI title, for which the object of appropriation is always a capital project. A third difference is the period for which the appropriation is made – the entire biennium, rather than each fiscal year of the biennium. An example of capital appropriations can be found on the following page.

**Excerpt from Capital Appropriations Bill S.B. 310,
Section 221.10, 133rd General Assembly**

DYS DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

Appropriation Line Item (ALI)	Capital Project	Appropriation for Capital Biennium
----------------------------------	-----------------	---------------------------------------

Mental Health Facilities Improvement Fund (Fund 7033)

C58001	Community Assistance Projects	\$47,709,000
C58007	Infrastructure Renovations	\$48,104,800
C58048	Community Resiliency Projects	\$14,200,000
TOTAL Mental Health Facilities Improvement Fund		\$110,013,800
TOTAL ALL FUNDS		\$110,013,800

Some capital improvements are financed directly by appropriations from the GRF or some other state fund that is credited with revenue from taxes or fees. However, most capital improvements are financed from funds that are credited with bond proceeds. For example, Section 221.20 of S.B. 310 of the 133rd General Assembly provides:

Section 221.20. The Treasurer of State is hereby authorized to issue and sell in accordance with Section 2i of Article VIII, Ohio Constitution, and Chapter 154. of the Revised Code, particularly section 154.20 and other applicable sections of the Revised Code, original obligations in an aggregate principal amount not to exceed \$150,000,000 in addition to the original issuance of obligations heretofore authorized by prior acts of the General Assembly. These authorized obligations shall be issued, subject to applicable constitutional and statutory limitations, as needed to provide sufficient moneys to the credit of the Mental Health Facilities Improvement Fund (Fund 7033) to pay costs of capital facilities as defined in section 154.01 of the Revised Code for mental health and addiction and developmental disability purposes.

Principal and interest on the bonds are then paid from amounts appropriated from the GRF. For example, Section 337.40 of H.B. 166 of the 133rd General Assembly provides for principal and interest payments on debt incurred under past capital appropriations acts:

MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Mental Health and Addiction Services pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Budget Support Documents

LSC staff produce special support documents to assist the members of the General Assembly in the analysis of the state's major appropriations bills. All are available on the LSC website at the [Budget Central](http://www.lsc.ohio.gov) link (www.lsc.ohio.gov).

Redbooks and Greenbooks

In the case of the main operating budget bill, LSC's Legislative Budget Office (LBO) staff produce "Redbooks" (named for their traditionally red cover, when they were printed), each of which analyzes a specific portion of the "As Introduced" version of the bill. As mentioned earlier, this version comprises the Governor's budget recommendations. A Redbook is prepared for each agency. It starts with a "quick look" summary of the agency and its recommended appropriations, including, for larger agencies, charts showing the sources and the uses of those appropriations. Redbooks also include an overview of the agency and its programs and a detailed analysis of funding recommendations, including new law provisions, line-item descriptions, and appropriation recommendations.

LBO staff also prepare Greenbooks. While Redbooks are the analyses of the executive budget proposal and are produced at the beginning of the budget process, Greenbooks are analyses of the enacted version of agency budgets and are produced following enactment of the operating budgets.

Comparison Document

The most significant resource of budget information, especially for decision-making purposes, is the Comparison Document (or "compare doc"). With the exception of its "As Introduced" version, which just describes the executive recommendations contained in the bill, this document compares the current version of the budget bill, provision by provision, with prior versions of the bill. This comparison includes an estimate of each provision's fiscal effect but does not include line-item appropriations which are detailed in the appropriation spreadsheet. The compare doc is organized by agency. A special compare doc that lists only the matters of difference between the "As Introduced," "As Passed by the House," and "As Passed by the Senate" versions of the bill is prepared for conference committee deliberations.

Appropriation Spreadsheet

The appropriation spreadsheet lists agency appropriations for all fund groups and appropriation amounts by appropriation line item for each version of the main operating budget

bill. The spreadsheet includes appropriations for each year of the biennium for which the budget decisions are deliberated and two to five years of historical expenditure data depending on the version of the budget. The appropriation spreadsheet is available in pdf and Excel formats.

Catalog of Budget Line Items

LBO staff publish the [Catalog of Budget Line Items](#) (COBLI). For each state agency, the catalog describes the legal authority, purpose, and revenue source for each line item. It also lists actual disbursements from the previous four years and appropriations for the current biennium. The COBLI is updated at the beginning and end of the biennial main operating budget process and in the fall of every year.

Budget Infographics

LBO staff prepare documents to explain budget information through tables and graphs that are available on the LSC website as [Infographics](#). Topics for these infographics include, for example, state government operating expenses, the budget stabilization fund, the GRF budget, and federal grants in the main operating budget.

Tracking Fee Changes

For main operating budget bills, LBO staff prepare a [table](#) identifying all provisions of the bill that create new fees, or alter existing fees charged by state agencies or local governments. The initial table indicates the fee provisions included in the “As Introduced” version. LBO staff update the table throughout the budget process to reflect changes made by the House-passed, Senate-passed, and “As Enacted” versions. The table also provides the estimated annual revenue change that will occur as a result of each provision.

Historical Revenue and Expenditure Spreadsheets

LSC revenue and expenditure [spreadsheet tables](#) provide a history of sources and allocations of major state resources and can provide useful information. For example, the revenue spreadsheet for GRF, lottery profits, and local government funds (Table 1) organizes revenues into three categories: tax revenues, nontax revenues such as license fees and other fees, and revenue transfers from liquor profits, lottery profits, and other sources.

The expenditure spreadsheet for state-source GRF, lottery profits, and local government funds (Table 2) lists seven categories of expenditures: primary and secondary education, higher education, human services, corrections, transportation, local government funds, and other. Other spreadsheets provide history for GRF-only revenue (Table 1A), total state and federal GRF expenditures (Table 3), and Medicaid expenditures for all funds (Table 4).

Documents for Other Appropriations Bills

Budget support documents for capital appropriations and reappropriations bills include detailed reports of capital projects by agency, fund, and county. These are prepared by LBO staff and are also available on the LSC website at the [Budget Central](#) link.

Some bills include an appropriation but are not one of the major appropriations bills. Budget support documents are not prepared for these bills. However, the fiscal impact of these

bills and the appropriations included in them are addressed in the bill's fiscal note prepared by LBO staff and updated during the bill's progress through the legislative process.

Bill Analyses

LSC's Office of Research and Drafting (ORD) staff produce an analysis for each bill that is scheduled for a committee hearing. The analysis for an appropriations bill is organized by agency and provides a summary of the bill's provisions, followed by a detailed analysis describing the bill's content and operation. The analysis focuses on codified law provisions and nonappropriation uncoded law provisions. For main operating budget bills, an analysis is prepared following the bill's introduction and passage by each house. After a budget bill becomes law, ORD staff also prepare a final analysis. For a more detailed discussion of bill analyses, see [Chapter 5](#).

Ohio Checkbook

The Office of Budget and Management and the Treasurer of State work together to produce a central resource for state and local financial information. The Ohio Checkbook website, checkbook.ohio.gov, provides information on state spending, public salary information, state contracting, and many other topics. The information is presented in an easy-to-use format and allows users to get both high level and detailed information about state finance.



Legal Foundations of the Budget

1. **Power of the purse** – No expenditure of state funds may be made from the state treasury without the authorization of the General Assembly, referred to as an appropriation (Ohio Constitution, Article II, Section 22).
2. **Appropriation duration** – An appropriation may be made for no longer than two years (Ohio Constitution, Article II, Section 22).
3. **State budget required** – The Governor must submit a state budget containing a complete financial plan for the next biennium to the General Assembly within four weeks after a new General Assembly organizes, or by March 15 in a year a new Governor is inaugurated. The Governor’s transportation budget proposal, however, must always be submitted within four weeks after a new General Assembly organizes. (R.C. 107.03.)
4. **Capital budget required** – The Governor must also submit a capital budget for public improvements. Typically, the capital budget is submitted during the second year of a General Assembly. (R.C. 126.03.)
5. **Appropriation limitations** – General Revenue Fund (GRF) appropriation growth is limited to the greater of 3.5% or the sum of the inflation rate plus the rate of population change. Exemptions are provided for appropriations made for emergency situations, tax relief or refunds, or made with a 2/3 supermajority vote, and for appropriations of federal funds or donations. (R.C. 107.032 to 107.035 and 131.55 to 131.60.)
6. **Item veto** – The Governor may veto “any item or items in any bill making an appropriation of money” (Ohio Constitution, Article II, Section 16).
7. **Balanced budget required** – These two requirements, operating together, are interpreted to require a balanced budget:
 - a. **State debt prohibited** – The state is prohibited from incurring debt except to finance specified capital improvements, to fund casual deficits in amounts not to exceed \$750,000, to defend the state in time of war or rebellion, and to fund certain other items that have been approved through constitutional amendment. (Ohio Constitution, Article VIII, Sections 2 and 3);
 - b. **Adequate revenues required** – The General Assembly must provide for raising sufficient revenue to offset state expenses each year (Ohio Constitution, Article XII, Section 4).
8. **Mandatory spending reductions** – If anticipated receipts and available balances of the GRF for the current fiscal year will likely be less than GRF appropriations for the year, the Governor must order GRF spending reductions to prevent a deficit, and may order spending reductions if that situation occurs with respect to any other fund (R.C. 126.05).
9. **Fiscal emergency** – Additionally, if the available revenue receipts and balances in any fund or across funds will likely be less than the appropriations for the year, the Governor may declare

a “fiscal emergency” and issue orders to (a) reduce expenditures or (b) implement personnel actions consistent with such an emergency, including mandatory cost savings days (R.C. 126.05).

10. **Controlling Board** – The seven-member Controlling Board provides legislative oversight of executive actions by ruling on agency requests for approval of (a) transfers of money from one fund, line item, or fiscal year to another, (b) the release or expenditure of appropriated funds, (c) the waiver of competitive selection to purchase goods and services, and (d) the expenditure of excess or unanticipated revenue. The Board may authorize the expenditure of unexpected revenues for a specific or related purpose or item in any fiscal year in an amount less than 0.05% of the GRF appropriations for that fiscal year. (R.C. 131.35.)
11. **5% debt cap** – State bonds or other obligations cannot be issued if the total amount of debt service payments (principal and interest) that would be made in any future fiscal year from the GRF and net state lottery proceeds would exceed 5% of the total estimated GRF and net state lottery proceeds revenue during the fiscal year of issuance. The General Assembly can waive this limitation by the vote of at least 3/5 of the members of each house. (Ohio Constitution, Article VIII, Section 17.)
12. **Budget stabilization fund** – Maintained in an amount equal to approximately 8.5% of GRF revenue for the preceding fiscal year. After this level has been reached and certain other reserves have been provided for, any remaining budget surplus is used to provide a temporary reduction in income tax rates through the Income Tax Reduction Fund. (R.C. 131.43 and 131.44.)
13. **Motor vehicle taxes** – The spending of money derived from taxes and fees related to the use of motor vehicles on the public highways (including gasoline taxes) is restricted to (a) highway purposes such as construction and maintenance, (b) state enforcement of traffic laws, (c) administration of the tax and fee laws, and (d) hospitalization of indigent persons injured in motor vehicle accidents (Ohio Constitution, Article XII, Section 5a).
14. **Gambling proceeds** – Net state lottery proceeds can be used only for the support of elementary, secondary, vocational, and special education programs. The tax collected on gross casino revenue is distributed to local governments and oversight agencies in accordance with a specified formula. (Ohio Constitution, Article XV, Section 6.)
15. **Income, estate, and inheritance taxes** – At least 50% of income, estate, and inheritance taxes that may be collected by the state must be returned to the county, school district, city, village, or township in which the tax originates, or to any of the same (Ohio Constitution, Article XII, Section 9).
16. **Application of the referendum and effective dates** – Appropriations for the current expenses of state government and laws providing for tax levies go into immediate effect and are not subject to the referendum (Ohio Constitution, Article II, Section 1d).
17. **Binding of future General Assemblies** – One General Assembly cannot bind the legislative authority of a future General Assembly through the enactment of a law, because all future General Assemblies have the authority to amend or repeal that law (Ohio Constitution, Article II, Sections 1 and 15).

Chapter 9

Staff Services Available to the General Assembly



Image courtesy of the Capitol Square Review and Advisory Board

**"These Are My Jewels,"
Northwest Corner of the Statehouse**

Overview

During the course of their duties, members of the Ohio General Assembly are confronted with several tasks that require staff assistance due to the volume of work or its technical complexity. Members have both partisan and nonpartisan staff to assist them.

Partisan staff work for one of the party caucuses or for individual members. The caucuses employ lawyers, policy advisors, budget staff, and other aides and assistants. Most senators have two legislative aides and every representative has at least one aide. Caucus staff are also available to assist their members in both houses.

Nonpartisan staff services are provided to all members. Most are provided by the Legislative Service Commission (LSC), a central service agency serving both the House of Representatives and the Senate. As explained in previous chapters, LSC staff perform most legal and fiscal research, bill drafting, amendment drafting, and committee staffing tasks for the General Assembly. Other LSC staff functions include the codification of the state's administrative

rules, the organization and standardization of text of the Revised Code, the training of new legislative staff, the writing of commendatory letters, and the publication and distribution of several legislative documents.

A few other legislative agencies also assist members of the General Assembly. Legislative Information Systems (LIS) manages information technology services for the legislature. The Correctional Institution Inspection Committee (CIIC) works on issues related to the state's correctional institutions and the inmates of these institutions. The Joint Medicaid Oversight Committee (JMOC) oversees the Medicaid program. The staff of these agencies report to separate staff directors. They are not LSC staff. Members requesting services of these legislative agencies should contact the appropriate staff director.

Two national organizations, the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG), also offer services to both the legislature as an institution and the members elected to the legislatures in all states. NCSL membership includes only state legislative bodies, while CSG membership includes a wide range of state officials from the executive, judicial, and legislative bodies of each state. Another organization, the American Legislative Exchange Council (ALEC), publishes research information, public policy proposals, and model legislation to support its public policy agenda.

Partisan Staff Services

Caucus and personal staff include caucus aides, legislative aides, policy aides, legislative fellows, and pages. Both the House and the Senate have a majority party caucus and a minority party caucus. The majority party in each house normally controls how the operating funds appropriated for that house are allocated among various needs, including the number of staff available to members. Standing committee responsibilities and leadership responsibilities also affect staffing decisions.

At the beginning of each biennial session, the members elected to the House and Senate meet and elect members to various caucus leadership positions. The members also elect persons who are not legislators to fill the positions of Senate Clerk and House Clerk. The Speaker of the House and the President of the Senate each appoint a Chief of Staff. In the House and the Senate, the Sergeant-at-Arms is hired in the same manner as other employees. The House also hires the Chief Administrative Officer.

The actions taken and policies adopted by these caucus leaders apply to all members and staff of their respective houses. Generally, these persons, in conjunction with the members elected to leadership positions, determine how caucus staff are organized, how staff services are provided to members, and, in the case of the Sergeants-at-Arms, how order and security are maintained in the House and Senate Chambers and office areas.

Senate Staff

Chief of Staff

The Senate Chief of Staff is the top-ranking administrative officer of the Senate and the chief policy advisor to the Senate President. The Chief of Staff reports to the Senate President and is responsible for implementing the policies of the majority party in the day-to-day

operations of the Senate. All Senate employees ultimately report to the Senate Chief of Staff. In addition to the supervision of all Senate employees, the Chief of Staff is responsible for the implementation of administrative policies that affect members of the Senate and for the assignment of staff.

Minority Chief of Staff

While the Senate Chief of Staff controls the number of staff and funds available for staff for the minority party, the actual selection, assignment, and supervision of minority party staff are normally responsibilities delegated by the Minority Leader to a Minority Chief of Staff. This person structures and coordinates the minority staff, works with the Senate Chief of Staff to ensure compliance with Senate policies and guidelines among minority staff, and serves as the minority caucus's liaison to House members and staff. The Minority Chief of Staff is also the primary policy advisor to the Minority Leader and members of the minority caucus.

Senate Clerk

The Senate Clerk is an administrative officer and the parliamentary advisor for the Senate. The Senate Clerk and the Clerk's assistants perform a variety of duties and services related to the processing of legislation at each stage of its progress through the Senate, from introduction through delivery to the Governor for executive action. The Senate Clerk's office also is responsible for the Senate's fiscal and personnel matters, including parking and office assignments.

The Senate Clerk's staff maintain the Senate *Journal*, the official record of the Senate. The Clerk's staff also produce the *Bulletin*, a compilation of matters pending before the legislature and actions taken upon those matters, including bills, resolutions, and appointments by the Governor.

The Senate Clerk, elected by the members of the Senate, assists the Senate President during floor sessions. The Senate Clerk calls the roll, records votes, and provides advice to the President on questions of parliamentary procedure. The Clerk reads bill and resolution titles and committee reports upon each hearing of a bill or resolution on the Senate floor, and also reads official messages from the Senate President, the House of Representatives, and the Governor.

Clerk's assistants perform a variety of different functions to assist in the operation of the Senate.

Journal Clerk. The Journal Clerk compiles the official daily *Journal* of all Senate actions (including reports of committees), and incorporates into the record messages received from the President of the Senate, the House of Representatives, the Governor, and certain other statewide officials and directors. The *Journal* is made available to Senate offices and to the public on the Senate and General Assembly websites following each daily session.

Message Clerk. The Message Clerk records the actions taken on the floor by the Senate and transmits messages to the House of Representatives to inform it of those actions. The Message Clerk also receives all proposals introduced in the Senate, delivers the bills, resolutions, and Governor's appointments to committees for consideration, keeps records of the official

status of each matter pending before the Senate, and makes bills available to the Governor for executive action.

Rules and Reference Clerk. The Rules and Reference Clerk is responsible for organizing materials for, and assisting members of, the Rules and Reference Committee.

Engrossing Clerk. The Engrossing Clerk engrosses, or makes changes in, the bills as they are introduced, amended by committees, and amended on the floor of the Senate, and incorporates changes made by conference committees. The Engrossing Clerk also maintains records of the Governor's appointments to boards and commissions that are subject to the advice and consent of the Senate and prepares the daily *Calendar* for floor sessions.

Enrolling Clerk. The Enrolling Clerk is responsible for enrolling bills (putting them into final form) for signature by the Speaker of the House and the President of the Senate before they are forwarded to the Governor. The Enrolling Clerk also prepares a weekly schedule of committee meetings and prepares the *Bulletin* for the General Assembly, which is printed periodically during the session and incorporated into the bound volume of the Senate *Journal* at the end of the session.

Fiscal Officer. The Fiscal Officer, aided by the Assistant Fiscal Officer, oversees the human resources functions of the Senate as well as the financial management of Senate accounts. Some of the Fiscal Officer's responsibilities include payroll processing, benefits administration, reimbursements, and budgeting for supplies.

House Staff

Chief of Staff

The Chief of Staff of the House of Representatives is the chief advisor to the Speaker and other House majority members. The Chief of Staff addresses broad policy and management issues with the help of the majority caucus staff, the House Chief Administrative Officer, and the House Clerk. The Chief of Staff serves as the majority caucus's primary staff liaison with the Senate, the executive and judicial branches of government, other statewide office holders, and advocacy organizations.

Chief Administrative Officer

Subject to the Speaker's general authority over House employees, the Chief Administrative Officer supervises all House employees except those under the direct supervision of the House Clerk. With the help of various specialized assistants, the House Chief Administrative Officer also performs many non-legislative administrative duties for the House of Representatives. These include: performing payroll, benefits, personnel, and fiscal functions; coordinating telecommunication and computer services; purchasing furniture, equipment, and supplies; maintaining an inventory of all furniture and equipment; maintaining and repairing House property; maintaining the parking facilities under control of the House; and assigning House office space in the Riffe Center.

Minority Chief of Staff

Traditionally, the minority party of the House of Representatives designates a Minority Chief of Staff who reports to the Minority Leader. The authority, responsibilities, and duties of this position vary from session to session and are influenced by policies of the Speaker and the Minority Leader. Typically, the Minority Chief of Staff is the chief management officer of the minority caucus who oversees the policy, communications, legal, and administrative staff, and represents the interests and positions of the Minority Leader and minority caucus.

House Clerk

The Clerk of the House is an administrative officer of the House of Representatives. The duties of the Clerk are set by statute, rule, or by the Speaker of the House.

The Clerk also performs a wide range of administrative and technical services critical to the legislative process. These responsibilities include: (1) the preparation of various legislative documents, including the House *Journal* and the *Calendar*, which specifies the order of pending business; (2) the printing or reproduction of bills, acts, or other documents; and (3) the care and preservation of each bill introduced in the House or received from the Senate.

The Clerk of the House is elected by the members of the House of Representatives and has an active role during legislative sessions. The Clerk, who stands in front of the Speaker's podium, calls the roll, records votes, serves as parliamentarian, and may, in the absence of a designated presiding officer, call the House to order.

Various specialized clerks assist the Clerk. Their duties are:

Assistant Clerk. The Assistant Clerk serves as the Clerk in the Clerk's absence and as the Reading Clerk and primary Committee Clerk.

Reading Clerk. As the Reading Clerk, the Assistant Clerk reads the titles of bills, resolutions, and committee reports as they come up for consideration during a House floor session and reads all official messages received from the Speaker, the Senate, or the Governor. The Reading Clerk also prepares the electronic voting system for each session day and maintains the electronic voting and session attendance records of House members.

Committee Clerk. As the primary Committee Clerk, the Assistant Clerk trains and assists House employees responsible for staffing committees, answers questions related to committee procedure, and works directly with committee staff to ensure that the proper information is contained in committee reports and committee records.

Special Assistant to the Clerk. The Special Assistant to the Clerk provides administrative assistance to the Clerk and serves as the Enrolling Clerk, Message Clerk, and as one of the Committee Clerks.

Enrolling Clerk. As Enrolling Clerk, the special assistant is responsible for the preparation of legislation in enrolled (final printed) form for presentation to the Governor for consideration. This entails proofreading enrolled and engrossed bills to make sure that all amendments to the legislation have been properly incorporated.

Message Clerk. As Message Clerk, the special assistant prepares the messages to the Senate that inform the Senate of all official actions taken by the House of Representatives. The Message Clerk delivers copies of all engrossed bills, resolutions, and Senate bills passed by the House to the Senate Message Clerk.

Committee Clerk. As one of the Committee Clerks, the special assistant is responsible for organizing materials for, and assisting members of, the Rules and Reference Committee. The special assistant also helps with committee staff training and answers questions related to committee procedure.

Journal Clerk. The Journal Clerk is responsible for the preparation of material needed for the publication of the House *Journal*. The House *Journal* is printed and posted on the House and General Assembly websites following each House session. As the official record of the proceedings of the House of Representatives, the *Journal* includes action taken on all bills, joint resolutions, concurrent and simple resolutions, committee reports, announcements, messages from the Speaker, and messages from the Senate. The Journal Clerk maintains a list of House members appointed to special committees, boards, or commissions and coordinates these appointments with the offices of the Speaker and the Minority Leader. The Journal Clerk also schedules individuals invited to offer invocations for session.

Engrossing Clerk. The Engrossing Clerk is responsible for engrossing all bills and resolutions under consideration by the House of Representatives. The engrossed version of a bill or resolution incorporates all amendments adopted in committee or on the House floor. The Engrossing Clerk prepares the House *Calendar*, which is issued each legislative session day and lists all legislation that is on that day's agenda for third consideration by the House of Representatives. The Engrossing Clerk also processes and prepares final copies of all honorary House resolutions and House concurrent resolutions on parchment paper for presentation by members.

Administrative Assistant. The Clerk's Office Administrative Assistant greets visitors at the office's front desk, answers general inquiries, and assists with various administrative tasks. The Administrative Assistant is also responsible for scheduling committee rooms and compiling and distributing a list of the committee hearings scheduled for each week.

Nonpartisan Staff Services

Legislative Service Commission

The Legislative Service Commission (LSC) is a statutory agency created in 1953 to provide drafting and research services to members of the General Assembly. The Commission consists of 14 members. These members include the President of the Senate, six additional members of the Senate appointed by the President, the Speaker of the House, and six additional members of the House appointed by the Speaker. Minority party representation on the Commission is ensured by a statutory prohibition against more than four of the six appointed members of each house being of the same political party. The Commission selects a chairperson and a vice-chairperson who serve for a two-year period coinciding with a session of the General Assembly. Customarily, the position of chairperson alternates between the Speaker of the House and the President of the Senate.

Among other duties, the Commission is responsible for providing bill drafting, research, fiscal, and other technical services to all members of the General Assembly. To accomplish this goal, the Commission is required to hire a staff Director who has responsibility for the hiring and assignment of staff, as well as all other aspects of staff management. The LSC Director determines the number and type of staff necessary to perform the various services required by the Commission. Each LSC staff person is assigned to a particular work group within LSC that specializes in specific subject areas or responsibilities. Each group is headed by a senior staff person. The Office of Research and Drafting (ORD) is staffed by attorneys and research analysts. The Legislative Budget Office (LBO) is staffed by budget analysts and economists. ORD and LBO groups are led by division chiefs.

Over the years since its creation, the Legislative Service Commission (LSC) has delegated many responsibilities to the Commission staff. LSC staff provide key services to the General Assembly, including drafting and analyzing bills and amendments, staffing committees, providing budget information and fiscal analyses of legislation, conducting research, codifying administrative rules, and writing resolutions and letters of commendation.

Nonpartisan Staff Services

Research and Bill Draft Requests

LSC staff perform research and draft any legislation, including amendments, requested by any member of the General Assembly. To initiate a bill draft or research request, a member may either contact any LSC staff person or contact the LSC Director's Executive Assistant and Assignment Clerk at (614) 466-1678 or RequestLSC@lsc.ohio.gov. For more detail about LSC's bill drafting process, see [The LSC Bill Drafting Process](#) below.

Committee Staffing

The LSC Director assigns at least one member of the ORD staff and one member of the LBO staff to assist each standing committee and subcommittee of the House and Senate. Each LSC staff person assigned to a committee is available to assist the chairperson and any member on matters relating to any bill pending before the committee. Staff assistance may involve explaining legislation, drafting amendments, preparing substitute bills, preparing fiscal notes and local impact statements, and performing various research tasks for the committee.

In addition, the LSC Director assigns staff to provide committee staffing services to many of the select and joint committees that may be appointed during the course of a session of the General Assembly. In many cases, Commission policy requires the chairperson and vice-chairperson of the Commission to approve the staffing of these special committees.

Bill Analysis

As detailed in [Chapter 5](#), ORD staff analyze each bill scheduled for a first hearing by a standing committee. This analysis is then revised when the legislation is reported by the committee for a vote in the first house, when it is passed by the first house, and when it is

reported by a standing committee in the second house. ORD staff also prepare a final analysis of each bill that has been passed by both the House and Senate.

Synopsis of Committee Amendments

ORD staff prepare a special synopsis for a bill that is returned to the House or Senate for concurrence after the bill has been amended by the other house. The synopsis explains the amendments adopted in the committee of the other house. [Chapter 5](#) discusses the synopsis in more detail.

Fiscal Services

LBO staff prepare fiscal analyses of bills that the General Assembly is considering. They write a fiscal note and local impact statement to inform members of the estimated amount by which a bill would increase or decrease revenues or expenditures of the state or its political subdivisions. They also conduct research to answer legislative inquiries on fiscal issues of importance in state and local government. For more detail, see [Chapter 5](#).

LBO staff also draft appropriation provisions of bills and amendments and prepare budget support documents for the major biennial appropriations bills. Budget support documents are described in [Chapter 8](#). Additionally, LBO staff forecast and monitor state revenues and expenditures.

LBO staff review requests coming before the Controlling Board and provide informational assistance to Controlling Board members and legislative staff as requested. They also prepare various annual and biennial reports to fulfill statutory requirements and present fiscal information of use to the General Assembly.

Short-Term Research

LSC staff provide answers to many questions posed by members that arise from a member's performance of legislative duties. Although LSC staff do not respond directly to constituent letters or phone inquiries, they will provide background information with which a member or a member's staff can respond to constituents or others requesting information from a member. Commission policy generally is for LSC staff to attempt to deal with public inquiries through a member's office.

Long-Term Research

In addition to responding to the routine short-term research requests received from members, LSC staff occasionally engage in more specialized long-term research projects. Since these projects require a great deal of staff time and effort, this type of research must be approved by the Commission before being undertaken. At times, the Commission has appointed a special committee of legislators to undertake such a long-term research project with staff assistance. On other occasions, staff have been responsible for conducting the research and reporting their findings directly back to the Commission.

Occupational Licensing Board Review

LSC is required to assist the General Assembly in its review of occupational licensing in the state. Each biennium, LSC staff must compile a report on the licensed occupations up for

review during the following biennium. In addition, staff must report on any bills that propose to change or enact occupational licensing regulations. For more detail about the process for occupational licensing review, see [Chapter 7](#).

Administrative Rules Codification

LSC is responsible for the codification of the administrative rules adopted by state agencies pursuant to Chapters 111 and 119 of the Revised Code. This involves receiving the rules adopted by the state agencies and reviewing them for conformance with drafting standards. It also involves the codification of these rules in a usable and standardized form and making them available to the public either directly or via commercial publication.

LSC also publishes the *Register of Ohio* and administers a system for agencies statewide to file administrative rules electronically. For more information about the *Register*, see [Chapter 10](#). The *Register* makes available to the public, in electronic format, rules and rule-related documents filed by state agencies and can be found at: www.registerofohio.state.oh.us.

Legal Review and Technical Services (Code Revision)

The LSC legal review and technical services division (LRTS) is responsible for reviewing bill and amendment drafts for substantive accuracy and completeness and for conformity to technical drafting rules. LRTS also advises drafters on substantive and technical drafting issues. Additionally, LRTS reviews acts for proper codification and advises legal publishers with regard to the harmonization of multiple acts that amend the same laws.

Resolutions and Letters of Commendation

Frequently, members will request that LSC draft special House or Senate documents to honor individual constituents or groups on milestone occasions or for extraordinary accomplishments, such as heroic deeds, athletic achievements, and retirements. Members sometimes present these documents personally and, for certain occasions, do so during a legislative session.

LSC staff draft letters of commendation or condolence for House members, President's letters for Senate members, and honorary simple and concurrent resolutions for both the House and Senate. Given adequate information, staff will personalize these documents to fit particular situations. Requests for these documents may be sent to RequestLSC@lsc.ohio.gov.

The format of these documents is uniform. The paper on which letters of commendation or condolence and President's letters are printed is provided directly to LSC by the House of Representatives and the Senate. After adoption by the House or Senate, or both, honorary simple and concurrent resolutions are printed by the appropriate House or Senate Clerk.

Whether the document is prepared as a letter or resolution is a matter of not only member preference but also House or Senate policy or rule. The House and Senate leadership adopt guidelines governing the topics for and the procedures under which members may issue such documents. Typically, letters of commendation or condolence and President's letters are used to recognize individuals, groups, or events of local or district-wide importance, and honorary simple resolutions are reserved for matters of greater significance or statewide impact. Honorary concurrent resolutions are reserved for only those matters that are of significance to

both houses. The staff drafted more than 38,000 letters and about 960 resolutions during the 133rd General Assembly.

Legislative Information Office

LSC staff assigned to the Legislative Information Office (LIO) answer questions or take messages for legislators from constituents who call on two general legislative information telephone lines. Callers typically seek information about bill status, committee schedules, members' telephone numbers and addresses, and use of the legislative website. If constituents want to request assistance from their legislators or express opinions, or if they request information beyond what the LIO can provide, the staff forward messages to the appropriate legislators' offices by email. The toll-free legislative information number for calls within Ohio is (800) 282-0253, and the local number is (614) 466-8842.

Library Services

The LSC library is available to all members and legislative staff. The library, located on the ninth floor of the Riffe Center, has a specialized collection of materials and resources to meet the needs of the General Assembly. Staffed by professional librarians, the library offers a wide variety of support services to members. Librarians assist members and staff in using the library collection. They also prepare bibliographies, respond to reference questions, locate and provide copies of periodical and newspaper articles, and arrange to borrow materials from other libraries.

The library collection includes historical legislative documents; the United States Code Annotated, the Code of Federal Regulations, the Ohio Revised Code, Ohio Attorney General opinions and other legal publications; books; periodicals; newspapers; and publications from organizations such as the Council of State Governments and the Education Commission of the States. The library also maintains many reports issued by legislative committees, other state agencies, the federal government, and private organizations that focus on public affairs.

Legislative Fellowship Program

LSC conducts the Ohio Legislative Fellowship Program which employs about 24 college graduates each year in full-time, 13-month paid positions with full benefits. The objective of this longstanding program is to provide additional staff assistance to members of the General Assembly and attract exceptional college graduates to public service in a legislative environment. The program is administered by LSC staff, in conjunction with the House, the Senate, and the Ohio Government Telecommunications (OGT)/The Ohio Channel. The majority of the fellows are assigned to work with members of the General Assembly. Detailed program information is available on the LSC website (www.lsc.ohio.gov/fellowship).

Legislative Training

LSC staff provide training in the legislative process to all members elected to the General Assembly as well as to legislative aides as they are hired throughout a session. LSC's New Member Orientation Program provides training for members and is normally conducted in late November or early December of even-numbered years. Training for new legislative aides is offered through online training courses developed in-house by LSC staff. For more information about these programs, members and their staff may contact LSC at (614) 466-3615.

Administrative Support Services

LSC provides many centralized support services to special legislative committees and projects. The LSC fiscal and personnel offices process and pay the invoices and salaries associated with the operations of Legislative Information Systems (LIS), the Correctional Institution Inspection Committee (CIIC), and certain joint committees. The LSC Director also administers contracts that are entered into occasionally in association with special legislative projects undertaken by the General Assembly in conjunction with universities, state agencies, or private institutions or consultants.

Publications

LSC issues several publications for use by members. In addition to the session-related documents described in [Chapter 5](#), LSC produces, among others, the following publications, available at the Publications link on the LSC website (www.lsc.ohio.gov):

Budget Footnotes. Every month except August, LBO publishes a newsletter, *Budget Footnotes*, which tracks the economy and General Revenue Fund receipts and expenditures and provides information on budget topics of interest to the General Assembly.

Members Briefs. LSC regularly publishes and updates informational briefs that summarize various issues that may be of interest to members. A few examples of *Members Brief* topics include grandparent visitation rights, immunization laws, and Ohio's open meetings law.

Infographics. LBO staff periodically prepare infographics to explain complex topics through charts and diagrams. Topics for *Infographics* include public school spending, Medicaid expenditures, income and sales taxes, and several others.

Ohio Facts. LBO produces a biennial publication, *Ohio Facts*, that provides a broad overview of public finance in Ohio and addresses many frequently asked questions. LBO sends a copy of *Ohio Facts* to each member of the General Assembly.

Restrictions on Services and Activities

Since the services provided by LSC staff are extended to all members of the General Assembly on a nonpartisan basis, staff may not provide certain types of services that might be perceived as political in nature. For the same reason, LSC staff may not engage in activities that would raise questions as to their ability to remain neutral and objective on issues, both inside and outside the office.

Examples of such prohibited activities include:

- Writing speeches, press releases, or newspaper columns for members;
- Soliciting cosponsors for legislation;
- Preparing committee testimony in favor of or against a bill;
- Participating in political campaigns;
- Attending fund-raising events for candidates or issues;
- Circulating petitions for candidates or issues;

- Distributing campaign literature; and
- Writing articles or letters for publication regarding any candidate or issue.

Because of the nonpartisan restrictions placed on LSC staff, the 14 legislative members of the Commission have delegated staffing decisions to the LSC Director and have taken a hands-off approach to the day-to-day management of the staff.

Confidentiality of Information

Requests for bills, amendments, research, and other staff services made to LSC are confidential under section 101.30 of the Revised Code. LSC staff may not inform a member of the General Assembly of work being performed for any other member. Frequently, LSC staff must contact a state agency or association for information needed to complete an assignment for a member. In these situations, staff will not reveal to whom the information will be provided or why the information is being requested.

When a member of the General Assembly files a bill or resolution for introduction, that legislative document ceases to be confidential and becomes a public record. Likewise, when a member presents an amendment, substitute bill, or resolution to a committee or at a floor session, or when a member otherwise releases to the public any other confidential legislative document, it becomes a public record. When the law or rules of the General Assembly require LSC staff to prepare an analysis, synopsis, fiscal note, or local impact statement for the benefit of members, the document becomes public upon presentation to the members.

The LSC Bill Drafting Process

LSC staff have the subject matter knowledge, research skills, and technical bill drafting skills needed to translate members' ideas for legislation into bills for introduction. However, LSC staff may draft bills only upon the request of a member or a member's aide acting on behalf of (and with the knowledge of) the member. An LSC-drafted bill includes only those provisions that are necessary to comply with the member's request and to conform with proper bill drafting requirements.

Occasionally, a legislator may request LSC staff to draft a bill according to instructions received from another person or an interest group. In these instances, staff will draft the bill in accordance with those instructions, but the completed draft will be sent to the legislator. While legislators should carefully review all bill drafts prior to introduction, this is especially true of drafts prepared pursuant to instructions received from a third party.

[Bills, amendments, and research documents prepared by LSC on member request, and the work products for them, are confidential.](#)

Requesting a Bill Draft

Any legislator, legislative aide, or caucus staff person may request a bill draft from LSC, and any LSC staff person may accept these requests. A legislator also may make a request to the Director's Executive Assistant and Assignment Clerk at (614) 466-1678 or RequestLSC@lsc.ohio.gov. Once received, all requests are forwarded to one of several staff work groups for assignment.

Assignment to Drafter

After considering staff workloads and the complexity of the assignment, the division chief for the bill's subject matter will assign the request to an appropriate staff person within the group.

Communication During the Drafting Process

LSC staff receive bill drafting requests in various forms. Some are quite explicit; others merely describe a problem the legislator wants to resolve or an objective the legislator wants to achieve. In either case, there often is a need for further communication between the legislator and staff. A staff person who is unsure about what a member wants a bill to contain or the manner in which an objective should be achieved is expected to contact the member for clarification and direction. Occasionally, a staff person may become aware of a potential problem or may discover some information the member might not have known at the time the member requested the bill. In these instances, the staff person will contact the member, relay the information, and determine if the member wants to modify the request. After the member informs the staff person on how to proceed, the bill will be drafted in accordance with the member's instructions.

Assignment Timing

LSC staff are instructed to attempt to complete routine bill drafts within two weeks after the requests are received. However, that goal is not always possible to achieve. The complexity of a bill, office workload, unusually heavy workloads of individual staff, committee work, changing legislative priorities, and similar factors all affect LSC's ability to meet in-house assignment guidelines.

Generally, bills are drafted in the order in which they are received by the staff person assigned to draft them. Occasionally, however, a legislator may need a bill drafted by a specific date. Members may discuss such a request with any staff person, who then will discuss the request with a division chief or the LSC Director. To make a commitment to complete a bill draft by a specific date requires several persons to be notified and involved in meeting priority requests. For example, the drafter, reviewer, legal and technical reviewers, and typists must reschedule their work in order to meet a single priority request. Therefore, requests for early completion of work should generally be reserved for unusual circumstances.

LSC staff prepared over 5,400 drafts of bills and resolutions and responded to approximately 5,200 research requests for the 133rd General Assembly. Each session, staff also are responsible for staffing committees and drafting over 13,200 amendments, 360 synopses, 3,200 fiscal notes and local impact statements, 2,200 analyses, and many other various budget documents.

Review Process

Every bill drafted by LSC receives a three-part review before being forwarded to the legislator who requested it. Once drafted, a bill is forwarded to a supervisor or division chief who reviews the draft to determine whether it includes all relevant sections of law and clearly

accomplishes what was requested. After this initial review of the bill's content, the LSC legal review and technical services (LRTS) division reviews the draft. An attorney on the LRTS staff performs the second review to identify possible legal problems, and if any problems are identified, it is the responsibility of the drafter to alert the member requesting the draft. Finally, an LRTS technical reviewer performs a third review. The purposes of this technical review are to make sure that (1) the formal parts of the bill (title, enacting clause, and repeal clause) are structured properly and list all necessary Revised Code sections, (2) the correct and most current Revised Code sections are included in the body of the bill, and (3) any Revised Code cross references and division identifications within the text of the draft are accurate. This formal review helps LSC to fulfill its obligation to maintain the laws in an orderly and uniform manner.

Draft Sent to Legislator

After all reviews are complete, LSC processes the draft and forwards it to the appropriate legislator. Bills drafted for the General Assembly are composed using an electronic drafting system known as the State of Ohio Legislative Application Repository (SOLAR). Drafts completed in SOLAR are assigned a unique bar code and delivered to the members electronically. If the legislator wants to make changes to the draft, the drafting and review process is repeated.

Questions and Revisions

After receiving and reading a bill draft, a member may have questions about its content or operation. Initial questions should be directed to the staff person who drafted the bill since that person is most familiar with it. After discussing the bill with the drafter, a member may request changes and the bill will be redrafted accordingly.

A completed bill draft is emailed to a member with a brief message identifying the staff persons who drafted and reviewed it. Sometimes the bill draft is accompanied by a cover letter from the drafter, attached to the delivery email. If there is no such message or letter, a member can determine who drafted the bill by contacting the LSC Director's Executive Assistant and Assignment Clerk.

Filing a Bill for Introduction

A bill draft that is satisfactory to the legislator may be filed for introduction with the appropriate House or Senate Clerk's office. At that point, the Clerk assigns a bill number that will remain with and identify the bill throughout the two-year legislative session. When a bill is submitted to the appropriate Clerk for introduction, the Clerk scans the bar code on the bottom of the bill's first page. This scan enables the Clerk to electronically access the version of the bill stored in LSC's confidential files within the SOLAR drafting system.

Services from National Organizations

National Conference of State Legislatures

The National Conference of State Legislatures (NCSL), founded in 1975, is an organization that serves legislators and their staffs from the states and other United States jurisdictions. It is funded mainly through membership dues and is governed by a 63-member Executive Committee.

NCSL's basic objectives are to improve the quality and effectiveness of state legislatures and legislative staff, to promote policy innovation and communication among state legislatures, and to ensure that state legislatures have a strong, cohesive voice in the federal system. NCSL maintains offices in Denver and Washington, D.C.

In addition to holding an annual legislative summit, at which legislators and staff from various states meet to discuss common problems and define goals and positions on issues facing the states, NCSL provides several ongoing services. It holds a national forum and conducts seminars and webinars on various issues. NCSL also monitors the various actions states take in dealing with certain issues and acts as a central clearinghouse for such information. It provides access to a searchable 50-state legislation database and issues several publications, including the monthly magazine *State Legislatures*, to all legislators and staff. Most information published by NCSL is available in the LSC library.

The Ohio General Assembly pays its membership dues to belong to NCSL through an appropriation to LSC. Ohio's membership automatically extends NCSL membership to all legislators and legislative staff. More information about NCSL and its services is available on its website (www.ncsl.org).

Council of State Governments

The Council of State Governments (CSG) is another national organization to which Ohio belongs. While NCSL represents only legislative bodies, CSG represents a wide range of state officials and is dedicated to addressing the needs of all three branches of state government – executive, legislative, and judicial.

CSG is a nonprofit, regionally based national organization that collects and distributes information, promotes interstate cooperation, and works to improve state administration and management. Its purposes are to build leadership skills, advocate multi-state problem solving and partnerships, prepare states for the future, and promote the sovereignty and role of states in the federal system. The organization's national office is in Lexington, Kentucky. CSG also has a federal affairs office in Washington, D.C. and four regional offices (in New York City, Atlanta, Sacramento, and Chicago) that support regional associations of states. Ohio is in the Midwestern Legislative Conference, which includes 11 state legislatures and legislatures of four affiliate-member Canadian provinces.

A Governing Board, an Executive Committee, and a Leadership Council oversee the business affairs and policy and program development of CSG. Together, the Executive Committee and Leadership Council are the main decision-making bodies to which all other national CSG committees, task forces, affiliates, and staff report. The Executive Committee includes governors, other executive and judicial branch officials, legislators, and legislative staff from across the country. The Leadership Council, a smaller entity composed of CSG's top national and regional leaders, is empowered to act on behalf of the Executive Committee during the interim between Executive Committee meetings. Traditionally, the president of CSG is a governor and the chairperson is a state legislator.

The Council publishes the bi-monthly periodical, *Capitol Ideas*; the reference publication, *Book of the States*; the compilation, *Shared State Legislation*; the monthly newsletter, *Stateline Midwest*; and a variety of other reference works, state directories, periodicals, research reports, and newsletters. Copies of many of the publications are available in the LSC library and on the CSG website (www.csg.org).

The Council receives financial support from each state as well as revenues from other sources such as grants and sales of publications. The Ohio General Assembly pays CSG state membership dues through an appropriation to LSC. Ohio's membership entitles all legislators to individual CSG membership.

American Legislative Exchange Council

The American Legislative Exchange Council (ALEC) is a public affairs and research organization that serves a membership composed of state legislators, business organizations, and foundations. ALEC provides a forum for its members to discuss and exchange ideas based on the principles of limited government, free markets, and federalism. Through its task forces on various public policy issues, state legislators and private sector individuals work together to produce issue reports and model legislation. The organization also conducts conferences and workshops on public policy issues.

ALEC is headed by a National Board of Directors, consisting of state legislators, and includes a Private Enterprise Advisory Council, composed of persons from the private sector. Additionally, at least one legislator in each state holds a position as state chairperson. These boards meet regularly to manage ALEC's business.

ALEC publishes occasional research papers under the title *The State Factor*. Model legislation, developed by the members and approved by a task force, is also published on its website (www.alec.org), but generally is accessible only to members.

The organization holds two major meetings each year, the annual meeting in the summer and the States and Nation Policy Summit in November or December. ALEC task forces also meet at other times. ALEC's office is in Washington, D.C.

The Ohio General Assembly pays membership dues to ALEC through an appropriation to LSC. However, Ohio's membership does not extend to individual legislators. Legislators who wish to join ALEC as individuals must pay their own membership dues.

Other Organizations

Ohio has participated in other national organizations that provide legislative services. Two focus on leadership: the State Legislative Leaders Foundation, an organization that provides state legislative leaders with information on public policy issues and aspects of leadership through meetings, educational programs, and publications; and the Senate Presidents' Forum, an organization that hosts policy roundtables and other events for state Senate presidents. The third association, the National Conference of Insurance Legislators (NCOIL), consists of state legislators whose main area of public policy concern is insurance legislation and regulation. More information about these three associations can be found on their websites (www.slif.org, www.senpf.org, and www.ncoil.org).

Chapter 10

The Executive Branch



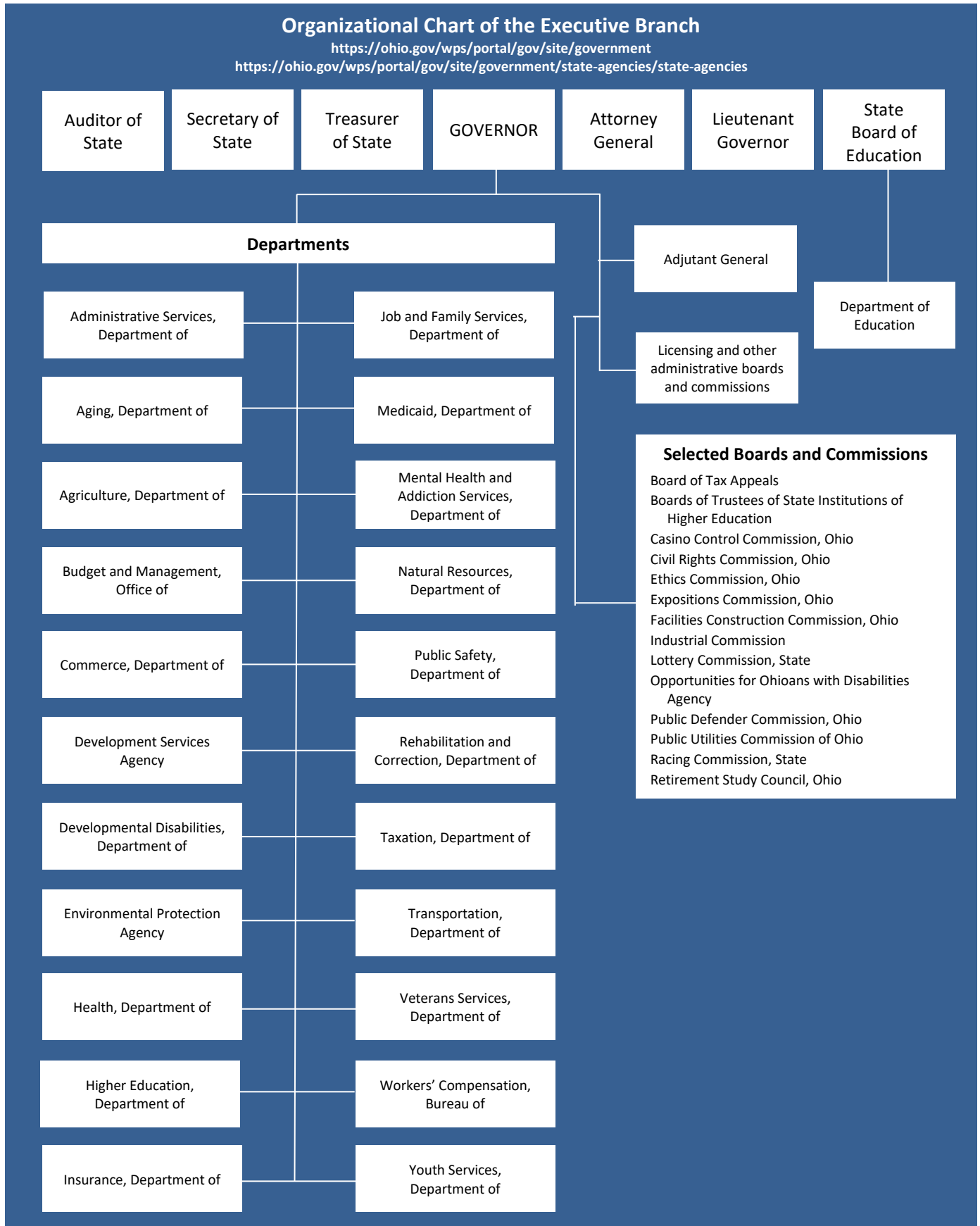
Photographed by Robin Stein, LSC

Governor's Formal Office,
Statehouse

The Organization of the Executive Branch

The executive branch of Ohio's state government includes six elected officials: the Governor and Lieutenant Governor (elected as a team), the Attorney General, the Secretary of State, the Auditor of State, and the Treasurer of State. All are elected in even-numbered, nonpresidential election years to serve four-year terms.

In addition to these officials, the executive branch includes the State Board of Education (comprised of 11 members elected from individual districts and eight members appointed by the Governor with the advice and consent of the Senate), the Chancellor of Higher Education (appointed by the Governor with the advice and consent of the Senate), the Adjutant General (appointed by the Governor as the military chief of staff), and the departments and other agencies responsible for administering laws and implementing state policy. The executive branch also includes many independent boards and commissions established for specific purposes. The Governor supervises these departments and agencies and appoints department directors as well as members of numerous boards and commissions, many also with the advice and consent of the Senate. The Superintendent of Public Instruction, however, is appointed by and is under the policy supervision of the State Board of Education.



Relationship of Executive Branch to Legislative Branch

The various agencies of Ohio's state government, including departments, boards, and commissions, as well as offices of the several elected state officials, often participate in the legislative process. They frequently serve as important sources of information. Their reports, research, opinions, and activities can raise issues that require legislative action to resolve. Their testimony receives considerable attention in legislative committee hearings. Most agencies closely follow the progress of legislation affecting their functions.

Frequently, agencies designate a person to function as a liaison to the General Assembly. Legislative liaisons respond to questions about what they perceive to be the effects of a given proposal on their agencies. Legislative liaisons also can assist legislators and their staffs by:

- Providing information about agency operations;
- Researching questions on proposed legislation;
- Facilitating and expediting information requests;
- Assisting in handling constituent problems;
- Directing inquiries to the appropriate people within their agencies; and
- Relaying legislators' concerns to the agency directors.

The Governor also maintains a staff to follow legislation of special interest to the Governor. Members of the Governor's staff also assist in the development of the administration's budget and legislative agenda.

Overview of Administrative Rulemaking Procedure

The General Assembly often enacts laws granting agencies within the executive branch authority to adopt rules to carry out certain policies or to administer programs that have been statutorily assigned to those agencies. A "rule" is a formal, written statement of law that has been established by a state agency under the authority delegated to the agency by statute. Because administrative rules, once adopted, have the force of law, it is important to be familiar with the process by which administrative rules are adopted in Ohio.

Rulemaking Procedure in General

A rule becomes effective only if the agency adopting it has complied with the statutorily prescribed rulemaking process. There are two general statutory processes under which rules may be adopted. One appears in Revised Code Chapter 119 and the other in Revised Code section 111.15. In general, if an agency is not required by statute to follow the rulemaking procedure of Chapter 119, it must follow the rulemaking procedure of section 111.15. Rules subject to adoption under the former are called "119" rules. Rules subject to adoption under the latter are called "111" rules. Rules also are amended or rescinded under whichever of these rulemaking procedures is applicable.

Business Review of 119 and 111 Rules

Whenever an agency is drafting a proposed 119 rule or 111 rule, the agency first must evaluate a draft of the rule against a business impact analysis instrument before it adopts the rule under the 119 or 111 rulemaking process. If, based on that evaluation, the draft rule will not have a statutorily defined “adverse impact on businesses,” the agency may proceed with the rulemaking process. If, however, based on that evaluation, the draft rule will have an adverse impact on businesses, the agency must comply with a business review process, which includes preparing a business impact analysis of the draft rule and electronically transmitting that analysis and the draft rule to the Common Sense Initiative Office (CSI), before proceeding with the rulemaking process. CSI evaluates the analysis and draft rule and may make recommendations to the agency on how the rule may be revised to eliminate or reduce any adverse impact it might have on businesses. Additionally, if the proposed rule requires a person to obtain a financial responsibility instrument as a condition for licensure, an agency must certify to CSI that the agency conducted a search to determine that the required financial responsibility instrument is readily available in the required amount.

The agency considers any recommendations made by CSI and either incorporates into the draft rule features the recommendations suggest will eliminate or reduce any adverse impact the rule might have on businesses, or documents in writing the reasons why the recommended features are not being incorporated into the rule. The agency also prepares a memorandum of response that identifies recommended features that were and were not incorporated into the draft rule, explains how the incorporated features eliminate or reduce any adverse impact the draft rule might have on businesses, and explains why features were not incorporated into the draft rule. The agency cannot begin the 119 or 111 rulemaking process earlier than the 16th business day after it transmitted the draft rule and business impact analysis electronically to CSI.

A “rule” is a written statement of law established by a state agency under statutory authority delegated to the agency. Most rules are adopted according to one of two statutorily prescribed rulemaking procedures as outlined in R.C. Chapter 119 and R.C. section 111.15. The main difference between these two procedures is that an agency adopting a 119 rule must give public notice of and hold public hearings on a rule; an agency adopting a 111 rule does not do either. Every administrative rule is either published or referenced in the Ohio Administrative Code.

Rules Adopted under Revised Code Chapter 119

An agency that intends to adopt a 119 rule must give public notice of its intention in the *Register of Ohio* at least 30 days before the date set for a hearing on the rule. In addition, at least 65 days before adopting the rule, the agency must electronically file the proposed rule with the Secretary of State, the Director of the Legislative Service Commission (LSC), and the Joint Committee on Agency Rule Review (JCARR). Further, if the proposed rule has an adverse impact on businesses, the filing also must include the business impact analysis, any recommendations the agency received from CSI, and the agency’s memorandum of response. (JCARR is the permanent legislative committee established to review administrative rules and, in some cases,

recommend that the General Assembly invalidate them. See [Chapter 7](#) for a discussion of JCARR’s legislative oversight role.) The agency must hold a public hearing on the proposed rule not earlier than the 31st day nor later than the 40th day after this filing.

The Governor may suspend the normal 119 rulemaking procedure for a particular 119 rule if the Governor determines that an emergency exists. The agency then may adopt the rule immediately without complying with the notice, hearing, and other requirements that normally apply when adopting 119 rules. An emergency 119 rule takes effect immediately upon being filed but expires on the 121st day after its effective date – unless, in the meantime, the agency has readopted the rule according to the normal 119 procedure.

Rules Adopted under Revised Code Section 111.15

An agency that intends to adopt a 111 rule must electronically file the proposed rule with the Secretary of State, the Director of LSC, and JCARR at least 65 days before adopting the rule. If the proposed rule has an adverse impact on businesses, the agency also must file the business impact analysis, any recommendations the agency received from CSI, and the agency’s memorandum of response. Agencies do not give public notice of proposed 111 rules, nor are these rules subject to a public hearing.

Register of Ohio

The *Register of Ohio* is an electronic publication to which members of the public may refer for notice of and information about rulemaking processes. The *Register* publishes all rulemaking documents filed with LSC. The *Register* is located at www.registerofohio.state.oh.us.

An agency may adopt an emergency 111 rule immediately without complying with the proposal requirements that normally apply to 111 rules. (The Governor’s authorization is not required.) An emergency 111 rule takes effect immediately upon being filed or on a later date and time specified by the adopting agency, but expires on the 121st day after adoption – unless, in the meantime, the agency has readopted the rule according to the normal 111 procedure.

Periodic Review of Rules

Every state agency must assign a date for review by the agency of each of its rules. JCARR can order an agency to review a rule earlier than that date if the rule is having an unintended or unexpected effect on business.

The review is to determine whether (1) the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted, (2) the rule needs amendment or rescission to give more flexibility at the local level, (3) the rule needs amendment or rescission to eliminate unnecessary paperwork, (4) the rule improperly incorporates material by reference, (5) the rule duplicates, overlaps with, or conflicts with other rules, (6) the rule has an adverse impact on businesses, (7) the rule contains words or phrases having meanings that in contemporary usage are understood as being derogatory or offensive, and (8) the rule requires liability insurance, a bond, or any other financial responsibility instrument as a condition of licensure. In making its review, the agency must consider the continued need for the rule, any complaints or comments received concerning the rule, and any relevant factors that have changed in the subject area affected by the rule.

Before a rule's review date, the agency must determine whether or not the rule should be amended or rescinded. If the agency decides that a rule should be amended or rescinded, it must follow the same procedure it used in adopting the rule. If the agency has determined that the rule does not need to be amended or rescinded, the agency must comply with a business review process similar to the process discussed previously and electronically file a copy of the rule, a complete and accurate rule summary and fiscal analysis, and, if applicable, a business impact analysis of the rule, any recommendations received from CSI, and any memorandum of response, with the Secretary of State, the Director of LSC, and JCARR.

If the agency notifies JCARR that a rule should continue as is, JCARR must give public notice of the agency's determination in the *Register of Ohio* for four consecutive weeks. During the 90-day period following receipt of an agency's notice and after the four-week public notice period has ended, JCARR may recommend invalidation of a rule if any of the following applies: (1) the agency, in reviewing the rule and in recommending its continuance without amendment or rescission, improperly applied the review criteria specified in the Revised Code; (2) the rule has an adverse impact on business and the agency has failed to demonstrate that the regulatory intent of the rule justifies its adverse impact; or (3) the agency improperly incorporated material by reference into the rule. The General Assembly may adopt a concurrent resolution invalidating a rule following a recommendation from JCARR to do so. If JCARR does not make a recommendation for invalidation during the 90-day period following an agency's filing notice with JCARR, the rule continues in effect without amendment until its next review date.

Quasi-Judicial and Other Authority of Agencies

The General Assembly may delegate to administrative agencies quasi-judicial authority in addition to quasi-legislative (rulemaking) authority. Quasi-judicial authority is the power to adjudicate (decide) specific cases. Adjudication is much like a lawsuit in a court; however, adjudications result in an administrative agency's, and not a court's, application of the law to decide a specific case. An example of an adjudication is an administrative agency's decision whether a particular individual meets the eligibility criteria specified in one of the agency's rules for participation in a governmental program.

Although quasi-legislative and quasi-judicial powers are perhaps most commonly thought of when the General Assembly delegates authority to administrative agencies, the General Assembly may delegate other types of authority as well, such as the power to issue, deny, suspend, or revoke licenses, the power to set fees, and the power to inspect.

Reduction in Regulatory Restrictions

The 2019 operating budget act (H.B. 166 of the 133rd General Assembly) enacted a stipulation that, through June 30, 2023, "a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions." Importantly, this reduction requirement does not apply to rules, but rather to regulatory restrictions contained in rules. A "regulatory restriction" is a provision of a rule that requires or prohibits an action. This requirement applies to agencies and departments within the Governor's cabinet and the Department of Education, the State Lottery Commission, the Ohio Casino Control Commission, the State Racing Commission, and the Public Utilities Commission.

Incorporations by Reference into Rules

An agency incorporates text or other material into a rule by reference when it refers in the rule to the text or other material as if it were spelled out or otherwise reproduced in the rule. When an agency incorporates material into a rule by reference, the agency must provide a citation in the rule that provides information that enables a reasonable person to find and inspect the incorporated material without charge. The citation must specify the date/edition/version of the incorporated material, and may link to a website where the material is located or that has information about where to locate the material. JCARR reviews incorporations by reference and can recommend invalidation of a rule if the incorporated material is not made accessible to JCARR or if the incorporation by reference fails to meet the standards for incorporation by reference as described above. LSC maintains a file of the incorporated materials.

Principles of Law or Policy

An agency periodically must review its operations to determine if the agency utilizes a principle of law or policy that ought to be stated in a rule. If so, the agency must state the principle or policy in a rule or discontinue its reliance on the principle or policy. JCARR or a person who was impacted by a principle or policy may initiate a process to require an agency to state the principle or policy in rule.

Publication of Rules in the Ohio Administrative Code

The Ohio Administrative Code is the principal means of communicating the law embodied in rules. The Code contains the full text of, or a reference to, every rule that has been adopted by state administrative agencies. The great majority of rules are published in full. The only exceptions are “internal management rules,” which are published by reference, and “school rules,” which are published in full in electronic versions of the Administrative Code but by reference in print versions. “Internal management rules” are rules that govern an agency’s day-to-day staff procedures and operations and that do not affect the rights of private individuals. “School rules” are rules adopted by state institutions of higher education. Copies of rules that have been published by reference are available from LSC or the adopting agency.

Chapter 11

The Judicial Branch



Image provided by the Ohio History Connection

THE SUPREME COURT OF OHIO, 1878

WILLIAM W. JOHNSON

NICHOLAS LONGWORTH

WILLIAM WHITE

JOHN W. OKEY

GEORGE W. McILVAINE

The Supreme Court of Ohio, 1878

Relationship of Judicial Branch to Legislative Branch

The judicial branch of government has primary responsibility for interpreting the laws written by the legislative branch. While the legislature attempts to be very thorough in drafting laws, it cannot foresee every possible circumstance in which the law will be applied. The judiciary interprets and applies the law in specific cases. These judicial interpretations establish guidelines for the application of statutes in the same or similar cases by establishing judicial precedent. The judicial branch also serves as a check on the legislative branch by deciding cases in which a party claims that the legislature has enacted laws in violation of the Ohio or United States Constitution.

The following section describes Ohio's judicial branch and is based on and contains excerpts from the description, "Judicial System Structure," that appears on the Supreme Court of Ohio's website (www.supremecourt.ohio.gov/JudSystem/default.asp).

The Supreme Court of Ohio

The Supreme Court of Ohio is established by Article IV, Section 1 of the Ohio Constitution, which provides that "[t]he judicial power of the state is vested in a supreme court, courts of appeals, courts of common pleas and divisions thereof, and such other courts inferior to the supreme court as may from time to time be established by law."

Article IV, Section 2 of the Constitution sets the size of the Court at seven – a Chief Justice and six Justices – and outlines the jurisdiction of the Court.

The Supreme Court is the court of last resort in Ohio. Most of its cases are appeals from the 12 district courts of appeals. The Court may grant leave to appeal criminal cases from the courts of appeals and may direct any court of appeals to certify its record in civil cases that are found to be “cases of public or great general interest.”

The Court must accept appeals of cases that originated in the courts of appeals, cases involving the death penalty, cases involving an interpretation of the United States or Ohio Constitution, and cases in which there have been conflicting opinions from two or more courts of appeals. Appeals in death penalty cases are taken directly from the court of common pleas to the Supreme Court, bypassing the court of appeals. The Court may also hear certain actions or appeals involving contested elections.

The Court must also accept appeals from certain administrative bodies, such as the Board of Tax Appeals and the Public Utilities Commission.

The Court has original jurisdiction for certain special remedies that permit a person to file an action in the Supreme Court. These extraordinary remedies include writs of habeas corpus (involving the release of persons allegedly unlawfully imprisoned or committed), writs of mandamus (ordering a public official to do a required act), writs of procedendo (ordering a lower court to proceed to judgment), writs of prohibition (ordering a judicial or quasi-judicial officer to cease an unlawful act), and writs of quo warranto (against a person or corporation for usurpation, misuse, or abuse of public office or corporate office or franchise).

The Supreme Court makes rules governing practice and procedure in Ohio’s courts. The rules adopted by the Supreme Court become effective unless both houses of the General Assembly adopt a concurrent resolution of disapproval by a specified date. The Supreme Court also exercises general superintendence over all state courts through its rulemaking authority. The rules of superintendence set minimum standards for court administration. Unlike rules governing practice and procedure, rules of superintendence do not have to be submitted to the General Assembly to become effective and are not subject to disapproval by the General Assembly.

The Chief Justice assigns judges to courts for temporary duty when a court is overloaded, a judge has been removed from a case because of bias, prejudice, or interest, or a judge has removed himself or herself from a particular case.

The Court has authority over the admission of attorneys to the practice of law in Ohio and may discipline admitted attorneys who violate the rules governing the practice of law.

The Chief Justice and six Justices are elected to six-year terms on a nonpartisan ballot. Justices are chosen at the general election in even-numbered years. In the year when the Chief Justice runs, voters elect three members of the Court. In other even-numbered years, voters elect two. Prior to commencement of the term, a Justice must be an attorney admitted to practice in this state and have at least six years of experience in the practice of law in this state or have served for at least six years as a judge of a court of record in any jurisdiction in the United States, or both. The Governor makes appointments to fill vacancies that occur between elections.

Courts of Appeals

The courts of appeals are established by Article IV, Section 1 of the Ohio Constitution, and their jurisdiction is outlined in Article IV, Section 3. As the intermediate-level appellate courts, their primary function is to hear appeals from the common pleas, municipal, and county courts. Each case is heard and decided by a three-judge panel.

The state is divided into 12 appellate districts, each of which is served by a court of appeals that sits in each county in the district. The number of judges in each district depends on a variety of factors, including the district's population and the court's caseload. Each district has a minimum of four appellate judges.

Appeals court judges are elected to six-year terms on a nonpartisan ballot in even-numbered years. Prior to commencement of the term, an appeals court judge must be an attorney admitted to practice in this state and have at least six years of experience in the practice of law in this state or have served for at least six years as a judge of a court of record in any jurisdiction in the United States, or both. The Governor makes appointments to fill vacancies that occur between elections.

In addition to their appellate jurisdiction, the courts of appeals have original jurisdiction, as does the Supreme Court, to hear applications for writs of habeas corpus, mandamus, procedendo, prohibition, and quo warranto. The Tenth District Court of Appeals in Franklin County also hears appeals from the Court of Claims.

The Court of Claims

The Court of Claims is a statutorily created court that has statewide, exclusive original jurisdiction over all civil actions that are filed against the State of Ohio and are permitted by the state's waiver of sovereign immunity. It also has other jurisdiction specified by law. The Court sits in Franklin County in the Ohio Judicial Center.

Civil actions in the Court of Claims are determined in one of two ways. Actions against the state of \$10,000 or less are determined administratively by the Clerk. Civil actions in excess of \$10,000 are heard and determined by a single judge. A judge of the Court also may review and enter final judgment in a civil action determined administratively.

No party in the Court of Claims is entitled to have a civil action against the state determined by a jury. Upon motion of a party, the Chief Justice of the Supreme Court of Ohio may assign a panel of three judges (instead of a single judge) to hear and determine a civil action presenting novel or complex issues of law or fact.

The Court of Claims hears appeals of decisions made by the Attorney General regarding an award of reparations or the denial of such an award filed under the Ohio Victims of Crime Act.

The judges of the Court of Claims must be incumbent or retired Justices or judges of the Supreme Court, courts of appeals, or courts of common pleas. They sit by temporary assignment by the Chief Justice of the Supreme Court.

Courts of Common Pleas

The court of common pleas, the only trial court created by the Ohio Constitution, is established by Article IV, Section 1 of the Constitution, and its duties are outlined in Article IV, Section 4.

There is a court of common pleas in each of the 88 counties. The number of judges in each county is specified by statute. The courts of common pleas have original jurisdiction in all criminal felony cases and original jurisdiction in all civil cases in which the amount in controversy is more than \$500. Courts of common pleas have appellate jurisdiction over the decisions of some state administrative agencies.

In addition to the general division described above, most courts of common pleas have specialized divisions created by statute to decide cases involving juveniles, the administration of estates, and domestic relations matters. The common pleas courts of only five counties have no specialized divisions: Adams, Morgan, Morrow, Noble, and Wyandot.

Common pleas judges are elected in even-numbered years to six-year terms on a nonpartisan ballot. Prior to commencement of the term, a common pleas judge must be a resident of the county in which the court is located, an attorney admitted to practice in this state, and have at least six years of experience in the practice of law in this state or have served for at least six years as a judge of a court of record in any jurisdiction in the United States, or both. The Governor makes appointments to fill vacancies that occur between elections.

Juvenile Divisions

Juvenile divisions of courts of common pleas hear cases involving persons under 18 years of age charged with acts that would be crimes if committed by an adult. They also hear cases involving unruly, dependent, neglected, and abused children. Juvenile courts have jurisdiction in adult cases involving paternity, child abuse, nonsupport, contributing to the delinquency of minors, and the failure to send children to school.

Probate Divisions

Probate courts are divisions of the courts of common pleas, with jurisdiction over the probate of wills, supervision of the administration of estates and guardianships, issuance of marriage licenses, adoption proceedings, determination of mental competency, and certain eminent domain proceedings. Probate judges may perform marriages.

Domestic Relations Divisions

Domestic relations divisions of courts of common pleas have jurisdiction over proceedings involving divorce or dissolution of marriage, annulment, legal separation, child and spousal support, visitation, and allocation of parental rights and responsibilities for the care of children.

Municipal and County Courts

Municipal and county courts are statutorily created courts. A municipal court may have jurisdiction (1) in one or more municipalities, (2) in one or more municipalities and adjacent townships, or (3) throughout the entire county. When municipal courts exercise jurisdiction over

all the territory of a county, no county court exists. A county court is needed if an area of a county is not served by a municipal court. The number of judges for each court is specified by statute.

The subject matter jurisdiction of municipal and county courts is nearly identical. Both municipal and county courts have the authority to conduct preliminary hearings in felony cases, and both have jurisdiction over traffic and nontraffic misdemeanors. These courts also have limited civil jurisdiction. They may hear civil cases in which the amount of money in dispute does not exceed \$15,000. A few municipal courts have a housing division or environmental division, and those divisions may render personal judgments regardless of the amount. A small claims division must be established in a municipal or county court to hear most types of civil cases in which the amount of money in dispute does not exceed \$6,000. Often, the parties in small claims cases represent themselves rather than hire an attorney. Municipal and county court judges have the authority to perform marriages.

Municipal court judges are elected in odd-numbered years to six-year terms on a nonpartisan ballot and may serve either full- or part-time as specified by statute. County court judges are elected in even-numbered years to six-year terms on a nonpartisan ballot. All county court judges are part-time. Prior to commencement of the term, a municipal court judge must be a resident of the territory of the court, an attorney admitted to practice in this state, and have at least six years of experience in the practice of law in this state or have served for at least six years as a judge of a court of record in any jurisdiction in the United States, or both. Except for county court judges who were holding office on September 10, 2012, a county court judge must be a resident of the county in which the court is located, an attorney admitted to practice in this state, and have at least six years of experience in the practice of law in this state. The Governor makes appointments to fill vacancies that occur between elections.

Mayor's Courts

In general, Ohio law allows the mayor of a municipal corporation having a population of more than 200 to conduct a mayor's court if the municipal corporation is not the site of a municipal court or a place where a judge of a specified countywide municipal court sits.

Mayor's courts hear only cases involving violations of local ordinances and state traffic laws and are barred from hearing certain types of those cases. They are not courts of record but must file statistics quarterly and register annually with the Supreme Court. The Supreme Court, however, at the request of the General Assembly, has adopted rules providing for basic legal education for mayors and for procedures in their courts. Additional education for mayors is required if the court is to hear alcohol- and drug-related traffic offenses.

A mayor who conducts a mayor's court is not required to be a lawyer. The mayor may appoint an attorney to hear cases in mayor's court. Prior to commencement of the term, the appointee must be an attorney admitted to practice in this state and have at least three years of experience in the practice of law in this state or served as a judge of a court of record in any jurisdiction in the United States, or both.

A person convicted in a mayor's court may appeal the conviction to the municipal court or county court having jurisdiction within the municipal corporation.

Ohio Judicial Structure*

SUPREME COURT

Chief Justice and Six Justices

Court of last resort on state constitutional questions and questions of public or great general interest. Appeals from Board of Tax Appeals and Public Utilities Commission. Appeals from Courts of Common Pleas in death penalty cases. Original jurisdiction in select cases.

COURTS OF APPEALS

Twelve Districts
Three-Judge Panels

General appellate review of judgments of Common Pleas, Municipal, and County Courts (but not death penalty cases), and appeals from Board of Tax Appeals. Original jurisdiction in select cases.

COURTS OF COMMON PLEAS

In each of 88 counties; most have specialized divisions

General

Civil and criminal cases; appeals from most administrative agencies.

Domestic Relations

Divorces and dissolutions, support, child visitation, and custody cases.

Juvenile

Offenses and misconduct involving minors; most paternity actions.

Probate

Decedents' estates, mental illness and adoption cases, marriage licenses.

Municipal and County Courts

Civil cases up to \$15,000, misdemeanors, traffic cases.

Small Claims Division
Civil cases up to \$6,000.

Mayor's Courts

Not courts of record.

Cases involving violations of local ordinances and state traffic laws. Matters can be reheard in municipal or county courts.

Court of Claims

Statewide Jurisdiction

Judges assigned by the Chief Justice

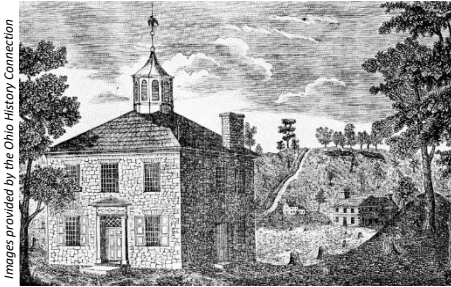
All suits against the state for personal injury, property damage, contract, and wrongful death actions. Compensation for victims of crime.

Three-judge panels if requested.

*Ohio Judicial Structure (accessed from the Supreme Court of Ohio website on August 18, 2020). Format and content slightly revised by LSC.

Chapter 12

Statehood to Statehouse



First State Capitol
Chillicothe



Second State Capitol
Zanesville



Third State Capitol
Columbus

Early Ohio History

Ohio's first inhabitants were prehistoric Native Americans. According to archaeologists, these early Ohioans lived in the area as early as 13,000 B.C.E. and were Stone Age hunters and gatherers. More advanced Native American cultures, notably the Adena and Hopewell, appeared in the Ohio area later, about 1,000 and 100 B.C.E., respectively. By the time Europeans (first the French, then the British) began entering the Ohio region in the late 1600s, these and later prehistoric Native American cultures had disappeared, but in the 1700s, the Miami, Wyandot, Ottawa, Delaware, and other tribes moved into the area.

In the mid-1700s, competition between the French and British for trade with Ohio Native Americans grew increasingly bitter. The spread of British settlement westward alarmed both the French and the Native Americans, and the French and Indian War ensued, resulting in a victory for the British and their control of the Ohio region. Tensions remained, however, between the British and the Native Americans. The Native Americans were bitter about the defeat of their French allies. Through trade regulation and licensing as well as restriction of westward movement imposed on its colonists, Britain continually attempted to quell Native American hostility. Many colonists, however, felt that the British were protecting their own interests at the colonists' expense. Conflicts between Britain and the colonies intensified, culminating in the American Revolution, which lasted from 1775 to 1783 and secured independence for the United States.

After the war, the United States Congress intended to convert the public domain into organized states. The area now known as Ohio became part of the Northwest Territory, the land north and west of the Ohio River. The Northwest Ordinance of 1787 provided for an orderly administration of this territory and its transformation into settled states.

By 1802, the population of the eastern division of the Northwest Territory had reached 45,000, and Congress authorized an election of delegates and the drafting of a state constitution in preparation for Ohio's admission to the Union. A constitutional convention held in Chillicothe in November 1802 drafted Ohio's first constitution. (For more information about Ohio's first constitution, see [Chapter 1](#).) After elections were held in January 1803, the first Ohio General Assembly convened in Chillicothe on March 1 of that year.

History of Ohio's Capital City and Statehouse

When Ohio joined the Union in 1803, a two-story stone building in Chillicothe served as the state capitol. In 1810, for political reasons, the General Assembly moved the capital temporarily to Zanesville, holding sessions in the new brick courthouse. Legislation enacted on February 20, 1810, provided for the selection of a permanent site for a capital city “not more than 40 miles from what may be deemed the common center of the state,” ruling out both Chillicothe and Zanesville. In 1812, the General Assembly restored Chillicothe as the temporary capital city until the new location was determined and a new capitol could be built.

On February 21, 1812, the General Assembly created a new capital city and named it after Christopher Columbus. As part of a deal to move the capital to its present location, four prominent Ohio landholders in the Franklinton area gave two ten-acre parcels to the state, one for the site of a statehouse, the other for a penitentiary. On June 18, 1812, the first public sale of town lots in the new capital city took place. In 1816, the General Assembly met for the first time in the new brick Statehouse built at the corner of High and State Streets.

By the mid-1830s, Ohio's growth had given rise to discussions about construction of a larger Statehouse. In 1838, the General Assembly appointed three commissioners, none of them trained architects, to solicit designs for a new capitol. After conducting a nationwide competition, the commissioners awarded prizes to the top three designs. First place went to Henry Walter, architect; second place went to Martin E. Thompson, architect; and third place went to Thomas Cole, landscape artist. It is generally agreed that the current Statehouse, built in the Greek Revival style, is based in part on each of the three designs.

On July 4, 1839, the cornerstone of the Statehouse was laid. A cholera epidemic, budget shortages, and an eight-year work stoppage delayed construction. Seven architects, with seven different points of view, supervised construction, which accounts for the numerous design changes that occurred. Prisoners performed much of the work done on the Statehouse. Many of them, having labored on the Ohio Penitentiary, were experienced stone cutters. Both the Penitentiary and the Statehouse were built of Columbus limestone taken from a quarry on the west bank of the Scioto River. The Statehouse was completed in 1861. Although original cost estimates totaled \$450,000, its actual final cost exceeded \$1,300,000.

Ohio's government outgrew the new Statehouse within a quarter-century. In 1897 the General Assembly authorized construction of an annex to house the Ohio Supreme Court and several other departments of state government. The Annex, now the Senate Building, was completed in 1901 at a cost of \$450,000.

Restoration of the Statehouse

The [Statehouse](#) is considered one of the finest examples of Greek Revival architecture in the United States and is one of the oldest working capitol buildings in the country. It is on the National Register of Historic Places and has been designated a National Historic Landmark. By the 1980s, however, changes in the building, including the division of its original 53 rooms into 317, had deprived the Statehouse of much of its early dignity. Moreover, the structure did not meet contemporary building code standards. Deficiencies included lack of a sprinkler system, unclear emergency exit paths, antiquated electrical, heating, and cooling systems, asbestos requiring

abatement, leaky roofs, and lack of a security system. The revitalization of Capitol Square began in 1985 with the work of a volunteer team of landscape architects. Renovation of the grounds around the Statehouse followed, and in 1989 an architectural firm presented a master plan for restoration and rehabilitation of the Statehouse itself.

Beginning with the restoration of the Senate Building in 1989, the project took seven years to complete. The project's accomplishments included removal of more than 220 rooms that had been added over the years, reopening of the skylights in the House and Senate Chambers and the Rotunda dome, and reopening of the building's four interior light courts. In addition to restoration, the project provided many technological and other improvements and enhancements:

- A safer environment within the Statehouse and Senate Building for the state employees who work there and for the Ohio citizens who come to participate in the legislative process;
- Additional public and educational facilities, including the Statehouse Museum Education Center, for the thousands of people who tour the Capitol each year;
- Access to Capitol Square and its buildings for people with disabilities;
- Creation of a television studio to produce educational programs and to broadcast legislative sessions; and
- Creation of the Atrium, an enclosed space connecting the Statehouse and Senate Building that is used primarily for meetings and functions of governmental groups and nonprofit organizations.

The restoration project, which cost \$121 million, was completed in 1996. Since then, additional enhancements have been made to Capitol Square. The most notable are the following:

- Ohio Veterans Plaza on the east side of the Statehouse grounds;
- Ohio Holocaust and Liberators Memorial on the south side of the Statehouse grounds;
- George Washington Williams Memorial Room, honoring Ohio's first African-American state legislator, on the first floor of the Statehouse;
- Ladies' Gallery, also on the first floor, honoring the first women legislators who served in the General Assembly; and
- Installation and permanent display of the 1802 and 1851 Ohio Constitutions in the Statehouse Museum.

In addition, eight Statehouse hearing rooms are dedicated to the eight United States presidents from Ohio and house collections of artifacts relevant to each. The Statehouse Museum, located on the Statehouse ground floor, provides a wealth of information on Ohio history and government through interactive exhibits, historical artifacts, and audiovisual media. Also located on the ground floor is an education classroom that is used for orientations and multimedia presentations for groups at the Statehouse.

Capitol Square Review and Advisory Board

The General Assembly created the [Capitol Square Review and Advisory Board](#) in 1993 to oversee the Statehouse restoration and to maintain and preserve the Capitol Square buildings following completion of the renovation project. The 12-member Board consists of two current representatives and a former Speaker of the Ohio House of Representatives, two current senators and a former President of the Ohio Senate, four members appointed by the Governor with the advice and consent of the Senate, and the clerks of the House and the Senate. Gubernatorial appointees include the Governor's chief of staff and representatives of the Ohio Arts Council, the Ohio History Connection, and the public at large.

Daily operations of the Board are performed by an executive director and Board staff. The staff manages the maintenance, operations, and security of the Capitol Square buildings and grounds, and operates the underground parking garage and the Statehouse Museum Shop. The Board also grants permits for public activities occurring on the Statehouse grounds and oversees the operations of the Statehouse restaurant. Through the Statehouse Museum, the Board coordinates tours of Capitol Square and provides educational resources and programming about the buildings, their history, and Ohio's government. Information about Statehouse tours is available at www.ohiostatehouse.org/visit/public-tours, or (614) 728-3726.

Capitol Square Foundation

The Capitol Square Foundation was established in 1987 to increase public awareness of and to involve citizens in the history of the Statehouse. Its purpose is to raise funds to obtain, restore, and maintain artifacts and other items related to the history of the Statehouse and to support the work of the Statehouse Museum. Examples of Foundation efforts include supporting the creation of the Ohio Constitution display in the Statehouse Museum and establishing the Great Ohioans Award that commemorates the historical contributions of honorees and the School Transportation Grant Program that helps schools defray the transportation expenses of school visits to the Statehouse. The Foundation is a nonprofit organization that does not receive government funding. More information is available on its website (www.capitolsquarefoundation.org/about_the_foundation.htm).

Legislative Glossary

Act

A bill passed in identical versions by both the House of Representatives and Senate and signed by the Speaker of the House and the President of the Senate. An act is then sent to the Governor for approval or veto or becomes law without the Governor's signature.

Adjourn/Adjournment (Sine Die)

A motion used to signal the end of a legislative session on a particular day and that suspends operations and terminates business until the next scheduled meeting. Adjournment sine die ("without a day") refers to the final adjournment of a General Assembly.

Administrative Code

A compilation of administrative rules adopted by state agencies. These rules are collected in the Ohio Administrative Code (OAC) and are available online and in printed format through commercial publishers.

Administrative Rule

A written statement of law adopted by an administrative agency pursuant to authority granted by the General Assembly to carry out the policies and intent of a statute enacted by the General Assembly.

Advice and Consent

The power vested in the Senate to review and approve or reject gubernatorial appointments to various positions, such as the appointment of administrative department directors.

Amendment

A proposal to alter the text of a law, bill, or another amendment by substituting, adding, or deleting language.

Appropriation

An authorization granted by the General Assembly, usually to a state agency, to spend money for a specific purpose during a fiscal year or biennium. No appropriation may be made for a period longer than two years.

Appropriation Spreadsheet

A document in spreadsheet format, prepared by the Legislative Service Commission's Legislative Budget Office staff that lists individual agency appropriations by line item and compares appropriations in different versions of an operating budget bill.

Biennial Session

A meeting period for a legislature consisting of two calendar years (a biennium). This two-year period may also be referred to as a session of the General Assembly.

Bill

A legislative proposal to do one or more of the following: (1) create a new law (enact), (2) change an existing law by adding new language to or eliminating language from one or more sections of existing law (amend), or (3) eliminate an existing section or sections of law (repeal). The General Assembly may enact, amend, repeal, or suspend law only by bill, which must be presented to the Governor for the Governor's approval. A bill must proceed through various constitutionally prescribed steps in order to become law.

A bill is structured with a header, title, and bill sections. The header includes the bill number, General Assembly session information, and a list of sponsors and cosponsors. The title includes the list of Revised Code sections being added or modified (if applicable) and a brief description of the bill's contents. A bill section may consist of [uncodified law](#) or [Revised Code sections](#).

Bill Analysis

A document prepared by the Legislative Service Commission's Office of Research and Drafting staff that summarizes key points of a bill and details changes to the law proposed by the bill. An analysis is revised at several stages in the legislative process. The first analysis is usually prepared when a bill is scheduled for a first hearing in committee.

Bond

A certificate or other evidence of debt in which the issuer promises to repay the bondholder the amount of a loan and, usually, to pay a fixed rate of interest at specified intervals. A general obligation bond is a bond secured by the issuer's general taxing powers, often expressed, in the case of the state, as the "full faith and credit of the state." A revenue bond is a bond that is repayable exclusively from revenue generated by the specific projects financed by the bond.

Budget

The biennial appropriation plan, also called an "operating budget," which allocates certain state funds to state agencies for specified purposes, including the administration and personnel of the agency, the implementation and enforcement of programs within the jurisdiction of the agency, and equipment.

Bulletin

A publication compiled by the Clerks that records information about every bill and joint and concurrent resolution introduced, including the dates of action on each bill, bill sponsor and cosponsors, and the page numbers of the Senate and House *Journals* that contain amendments to, and roll call votes on, the bills and resolutions. The *Bulletin* also provides information about Revised Code sections affected, a list of special committees, and a subject index to bills and resolutions.

Calendar

A legislative agenda for a day's floor session including bills and other items of business offered for consideration. *Calendars* are published by the Senate and House Clerks' offices.

Call to Order

The action of convening the House of Representatives or Senate or a committee to do business.

Capital Appropriations Bill

The capital appropriations bill authorizes new capital spending for projects such as the acquisition, construction, equipment, or renovation of facilities of state agencies. It is usually enacted during the second year of a biennium.

Capital Reappropriations Bill

A bill reappropriating money for capital projects not completed during the two-year life of their original appropriation. A capital reappropriations bill allocates funds appropriated in an earlier bill but not spent.

Catalog of Budget Line Items (COBLI)

A budget document prepared by the Legislative Service Commission's Legislative Budget Office staff that provides detailed information on every line item appropriation from every state agency. Specifically, [COBLI](#) provides a description of the line item's purpose, legal authority, funding source, appropriations for the current biennium, and four years of actual expenditure history. LSC updates this publication every year.

Caucus

A meeting of a group of legislators from the same political party of the House of Representatives or Senate, usually held to discuss legislative issues and make policy and strategy decisions. This term can also refer to a group of House or Senate members determined by political party or a group of House and Senate members with a common purpose, for example, the Ohio Legislative Black Caucus.

Chamber

The official location for convening a legislative session. The House of Representatives and Senate have separate chambers.

Clerk (House and Senate)

Persons separately elected by the House of Representatives and the Senate who act as administrative officers and are responsible for keeping the official record of all bills and resolutions introduced in their respective houses. Other duties include overseeing the printing and distribution of bills, resolutions, and reports, acting as parliamentarian, and facilitating the order of business during a floor session. Various specialized clerks assist the Clerks of the House and Senate.

Codified Law

Law of a general nature that is compiled in the Revised Code and assigned a Revised Code section number.

Commit/Refer

A motion used to assign a bill to a committee for consideration. A motion to recommit or to re-refer sends a bill back to a committee any time before passage.

Committee Report

A report issued by a committee recommending that a bill be considered for a floor vote by the full membership of the House of Representatives or Senate. A committee report consists of a signature page containing the signatures of the committee members who voted for or against the bill and a copy of the bill with any amendments attached or, if the committee adopted a substitute bill, a copy of the substitute version of the bill.

Comparison Document (Compare Doc)

A document prepared by the Legislative Service Commission staff, commonly known as the “compare doc,” that compares the current version of an operating budget bill, provision by provision, with one or more versions of the bill that were produced at preceding steps in the legislative process. Arranged alphabetically by agency, the Comparison Document includes estimates of each provision’s fiscal effects but does not include the line-item appropriations, which are available in the appropriation spreadsheet. Specialized compare docs are available for conference committee deliberations.

Concurrence in Amendments

The point in the legislative enactment process at which the first house approves (concurs in), without alteration, amendments adopted by the second house.

Conference Committee

A committee created to resolve points of difference between two versions of one bill passed by the two houses. If a conference committee resolves differences in the versions of the bill, the committee adopts a conference committee report. A conference committee report must be approved by a majority of both the House of Representatives and the Senate in order for the bill to be enacted and sent to the Governor.

Confirmation

The Senate’s approval of a Governor’s appointee.

Conflict of Interest

A situation in which a government official’s private interests benefit from his or her public actions. The Ohio Ethics Laws, contained in Chapter 102 and sections 2921.42 and 2921.43 of the Revised Code, and the Legislative Code of Ethics prohibit certain actions associated with conflicts of interest.

Constitutional Amendment (Ohio)

A change in the language of a section of the Ohio Constitution, the addition of a new section, or the repeal of an existing one. A proposal to amend the Constitution may originate in the legislature through the adoption of a joint resolution or through an initiative petition of the electorate. In either case, the proposed amendment must be submitted to a vote by the general electorate.

Cosponsor

A legislator, other than the sponsor or a joint sponsor, whose name appears in the list of sponsors of a bill as an expression of support. A bill may have many cosponsors.

Debt Service

The money needed, or payments due, to pay principal and interest on a debt.

Digest of Enactments

A compilation of condensed versions of the final analyses of enacted bills published by the [Legislative Service Commission](#).

Effective Date

The date on which a law can first be applied and enforced. In most cases, the effective date is the 91st day after a law has been filed with the Secretary of State.

Elector/Electorate

A person/all persons qualified to vote in an election.

Emergency Clause

A clause that must be included in any bill, other than a bill that levies a tax or makes an appropriation for current expenses, if the bill is to take effect immediately upon passage by the General Assembly and approval by the Governor. The clause, as constitutionally required, sets forth the reasons a bill is an emergency measure. The clause is voted on separately by the legislature and requires an affirmative vote of 2/3 of the members of each house. If the emergency clause is approved, the bill as an emergency measure is voted on and also requires a 2/3 majority vote to pass.

Encumbrance

The commitment of funds against a state agency's appropriations for the purchase of goods or services.

Engrossment

The preparation of a copy of a bill by incorporating all of its amendments. The House or Senate Clerk's office engrosses a bill before it is sent to the Rules and Reference Committee and before it is sent to the other house.

Enrolled Bill

A printed version of a bill that is prepared when the bill has passed both houses in identical form. The enrolled bill is signed by the Speaker of the House and the President of the Senate and becomes an act awaiting the Governor's approval.

Ex Officio Member

A person who is automatically made a member of a certain committee or board by virtue of a particular office or position held. Although ex officio members may be voting members of a committee or board, often they serve in a nonvoting capacity.

Executive Budget

The complete biennial financial plan that the Governor is required to submit to the General Assembly not later than four weeks after its organization (or not later than March 15 in years of a new governor's inauguration). In addition to the Governor's requested appropriations for the operations of state government, the executive budget may include the Governor's proposals for law changes needed for its implementation, as well as other budget-related information such as historical expenditures, revenue analyses, and supporting documentation.

Executive Order

Any written or printed order, directive, rule, or regulation promulgated by the Governor to: (1) exercise his or her constitutional authority as "chief executive," (2) enforce state laws, (3) exercise responsibilities as commander-in-chief of the armed forces and civil defense forces of the state, or (4) in the role of "agent" of the state legislature, exercise powers delegated by statute to administer and implement particular state laws and programs.

Fiscal Note

A fiscal analysis required by law that is prepared by the Legislative Service Commission's Legislative Budget Office staff and that estimates the financial impact of proposed legislation on state and local government revenues and expenditures. This analysis is published and updated for individual bills as part of the combined Fiscal Note and Local Impact Statement. See also [Local Impact Statement](#).

Fiscal Year (FY)

A 12-month budget and accounting period used for fiscal planning purposes. The state fiscal year (usually abbreviated FY, but sometimes SFY) begins July 1 and ends June 30. The federal fiscal year (FFY) begins October 1 and ends September 30. The year identified with a fiscal year is the year of the ending date. Therefore, FY 2021 is the 12-month period starting July 1, 2020 and ending June 30, 2021.

General Revenue Fund (GRF)

The primary operating fund of the state. It is the fund that receives the unrestricted revenues of the state from the personal income tax, the sales tax, and other sources.

Greenbook

An analysis (named for its green cover) prepared by the Legislative Service Commission's Legislative Budget Office staff for an individual state agency subsequent to the state budget's enactment. In addition to a detailed analysis of the agency's budget, a Greenbook contains a brief description of the agency and of the appropriations enacted in the state budget that affect it. See also [Redbook](#).

Hearing

A meeting of a legislative committee in which members hear testimony from legislators, interest groups, or private citizens regarding legislation under consideration by the committee.

Immediate Consideration

Suspension, by the House or Senate, of the constitutional requirement that bills be considered on three different days in each house, making it possible to bring a bill to an immediate House or Senate vote. The Constitution requires a 2/3 vote of the house in which the bill is pending to suspend the three-day requirement.

Initiative

A process authorized by the Ohio Constitution that permits the electors of the state to propose laws or constitutional amendments independently of the General Assembly and allows the electors of a municipality to propose ordinances or charter amendments independently of the municipal legislative authority. An initiative petition must meet certain legal requirements, such as having the minimum number of signatures. If the petition is valid, the issue is submitted to the voters for their approval or rejection.

Joint Committee

A committee consisting of both House and Senate members.

Joint Rules

Procedural guidelines adopted by both the House and Senate that govern matters of concern to both houses, such as committees of conference and joint sessions. In the absence of joint rules, the General Assembly refers to parliamentary guides to resolve matters concerning both houses.

Joint Session

A combined meeting of the House of Representatives and Senate.

Joint Sponsor

A sponsor who joins with another sponsor to introduce a bill or joint resolution.

Journal

The official record of House of Representatives and Senate legislative floor sessions prepared and distributed by the Clerks' offices. Each house prepares its own [Journal](#).

Law

An act that has been signed by the Governor or that has become effective without the Governor's signature. This term also refers to existing statutes and, more broadly, to any rule or principle enforceable by a court.

Laws of Ohio or Session Laws

A compilation of all acts and resolutions enacted by the General Assembly during a specific biennial session. Also referred to as session laws. Beginning with the 127th General Assembly, compilations have been replaced with digital copies of the acts at the Ohio Secretary of State's website ([Laws of Ohio](#)).

Lay on the Table or Table

Under general parliamentary law, a motion to temporarily postpone action on legislation. In Ohio, the effect of the motion is to dispose of an issue without taking a position on its merits.

Legislative Agent or Lobbyist

A spokesperson hired to represent the interests and positions of his or her employer on issues pending before the General Assembly.

Legislative Liaison

A person designated by a state agency to represent the agency during the legislative process and assist members of the General Assembly in understanding programs or obtaining information relative to the agency. A legislative liaison must register as a legislative agent (lobbyist).

Local Impact Statement

An analysis required by law that is prepared by the Legislative Service Commission's Legislative Budget Office staff and that estimates the net additional cost of pending legislation to counties, municipalities, townships, and school districts. Required for bills with local costs that exceed a minimum threshold, a local impact statement is published and updated for individual bills as part of the LSC combined document, Fiscal Note and Local Impact Statement. See also [Fiscal Note](#).

Memorialize

To convey, by resolution, the opinion of the General Assembly to Congress.

Motion

A legislator's formal request for consideration of a proposal for action by a legislative body.

Motion to Reconsider

A motion to reconsider the vote on a bill or resolution as if it had never been considered. The motion must be made by a member who voted on the prevailing side and must be made no later than the second legislative day following the day on which the vote was taken.

Omnibus Amendment

An amendment to a bill that comprises numerous individual amendments offered as a group and voted on as a single unit.

Open Meetings

Meetings of legislative and governing bodies that must be open to members of the public under the provisions of the Open Meetings Laws. Under these laws, the public must be properly notified of meeting times and locations.

Order of Business

The order in which the House of Representatives or Senate considers items of legislative business.

Out of Order

Not conducted in accordance with proper parliamentary rules and procedures.

Parliamentary Procedure

Formal procedures and requirements of parliamentary debate. The House and Senate Rules establish House and Senate legislative procedure and designate a specific published parliamentary guide as the resource to consult about issues not addressed by the Rules.

Personal Privilege

A provision within legislative rules of procedure under which a member may ask to explain a personal matter but may not discuss or debate an issue during the explanation.

Previous Question

A procedural motion under which a member moves to close debate on a question.

Question (Point) of Order

A motion through which a member may question a procedure and state the rule, statute, or constitutional provision that the member believes is being violated.

Quorum

The minimum number of members who must be present to officially conduct business.

Recess

A formal break in a voting session of the General Assembly. Questions pending at the time of recess are resumed without any motion to that effect.

Redbook

An analysis (named for its red cover) prepared by the Legislative Service Commission's Legislative Budget Office staff at the beginning of the legislative budget process that examines the executive budget proposal for an individual state agency. A Redbook typically contains a brief summary of the agency and the provisions of the executive budget that affect the agency. They

also include a detailed analysis of the executive budget recommendations for the agency, including funding for each appropriation line item. See also [Greenbook](#).

Redistricting Commission, Ohio

Beginning January 1, 2021, the Commission responsible for drawing the Ohio General Assembly districts based on the state's population as determined in the latest decennial U.S. Census. The seven-member Commission consists of the Governor, the Auditor of State, the Secretary of State, one person appointed by the Speaker of the House of Representatives, one person appointed by the House Minority Leader, one person appointed by the President of the Senate, and one person appointed by the Senate Minority Leader.

Redistricting, Congressional

The redrawing of congressional districts according to the state's population as determined by the decennial U.S. Census. Beginning in 2021, the Ohio Constitution requires the General Assembly to adopt a congressional district plan by a specified bipartisan vote and in the form of a bill by September 30. If the General Assembly does not do so, the Ohio Redistricting Commission must adopt a plan by a specified bipartisan vote by October 31. If the Commission does not adopt a plan by that date, the General Assembly must adopt a plan by November 30.

Redistricting, State

The redrawing of Ohio House of Representatives and Senate districts according to the state's population as determined by the decennial U.S. Census. Formerly, the Apportionment Board drew new boundaries every ten years. Effective January 1, 2021, the Ohio Redistricting Commission will be responsible for drawing the boundaries every ten years. See also [Ohio Redistricting Commission](#).

Referendum

The power of the people to approve or disapprove any law (other than a law levying taxes, appropriating money for current operating expenses, or declaring an emergency) passed by the General Assembly. A referendum petition may be filed within 90 days after a law has been filed by the Governor with the Secretary of State. If the Secretary of State validates the petition, the Secretary submits the law to the voters for their approval or rejection.

Repeal

To revoke or annul a law or rule by legislative action.

Resolution

A formal written expression of the opinion or will of the legislature, the subject matter of which would not properly constitute a statute. Types of resolutions include:

Simple Resolution – A formal written expression of a house, adopted only by that house, relating to its organization or extending recognition to individuals or organizations.

Concurrent Resolution – A formal expression of the intent or wish of the legislature. This type of resolution may originate in either house but must be adopted by both houses. Concurrent

resolutions most often deal with joint procedural matters, communications to Congress, and invalidation of administrative and court rules.

Joint Resolution – A formal written expression of the General Assembly’s opinions and wishes usually reserved for matters required by the Constitution or statutes to be in joint resolution form such as proposing amendments to the Ohio Constitution, ratifying amendments to the U.S. Constitution, and calling for a federal constitutional convention. To become effective, a joint resolution must be adopted by both houses.

Revised Code, Ohio

The codified law of the state, often abbreviated ORC or RC. Commercial versions of the Code, published privately, include annotations and other reference material. Codified law is sometimes informally referred to as “permanent law.”

The Revised Code is divided into titles, chapters, sections, and supplemental sections. Each subdivision of the Revised Code indicates increasing specificity regarding the topic addressed. For example, Title 29 of the Revised Code addresses criminal law generally, and each chapter and its sections provide increasing levels of detail.

You can determine the title, chapter, and section (and, if relevant, supplemental section) of the Revised Code from the number:

R.C. 101.21 → Title 1, Chapter 1, Section 21

R.C. 3301.0720 → Title 33, Chapter 1, Section 7, and Supplemental Section 20.

Roll Call Vote

A vote of a house in which each member’s individual vote is recorded by name.

Rules (House or Senate)

Legislative rules of procedure adopted at the beginning of each General Assembly. Both the House of Representatives and Senate adopt rules that are printed in the *Journals* of the respective houses.

Rules and Reference Committee

A standing committee in both the House and Senate that (1) refers bills and resolutions to another standing committee for consideration and (2) under its rules function, schedules the agenda for floor sessions and performs other responsibilities as might be assigned. During some General Assemblies, the House and the Senate have created a separate Reference Committee and Rules Committee to perform these functions. See also [Standing Committee](#).

Select or Special Committee

A committee created by order of the Speaker or President (or both in the case of a joint select committee) or by resolution or statute for a particular purpose or task. A select or special committee is automatically dissolved upon completion of the assigned task or upon reaching its specified termination date.

Sergeant-at-Arms

An employee of the House of Representatives or Senate responsible for maintaining order in the chambers, halls, galleries, corridors, and committee rooms of the Statehouse and Senate building; enforcing the rules; and serving subpoenas and warrants issued by the House or Senate or any duly authorized officer or committee. The House Sergeant-at-Arms also is responsible for maintaining order in the areas of the Vern Riffe Center that are under the exclusive use and control of the House.

Session

A meeting convened by the House of Representatives or Senate in its chamber during which the House or Senate conducts its official business. The term “session” may also be used to refer to the “Biennial Session.”

Special Order (of Business)

A motion to bring up an issue for any particular day and hour for consideration under a suspension of the regular order of business upon a vote by the membership.

Sponsor

The member who introduces a bill, resolution, or amendment, sometimes referred to as the primary sponsor. The sponsor’s name appears first, often followed by cosponsors, in the heading of a bill, resolution, or amendment. Both the House of Representatives and the Senate permit a bill or resolution to list two joint sponsors.

Standing Committee

A committee established at the beginning of a General Assembly. Most standing committees are organized by subject matter so that most bills referred to a particular committee address related topics.

Status Report of Legislation

A report of all legislative action on all bills, joint resolutions, concurrent resolutions, and simple resolutions introduced during a particular General Assembly. Status reports for the current and several past General Assemblies appear on the General Assembly’s website at the [Legislation](#) link.

Study Committee

A committee created to study a subject of interest to the General Assembly. As a result of its study, the committee may publish a report, make recommendations, or propose legislation.

Subcommittee

A committee formed under the supervision of a standing committee. A standing subcommittee functions similarly to a standing committee in that it considers several bills during a General Assembly. An ad hoc subcommittee is appointed to consider a single issue and is dissolved once its task is complete.

Substitute Bill

A redrafted version of a bill, usually substantially amended, that replaces a preceding version.

Sunset Provision

A provision enacted by the General Assembly that places an expiration date on an entire act or part of an act.

Supplemental Appropriation

An additional appropriation for a purpose or agency that is made subsequent to the initial appropriation for the purpose or agency for that fiscal year or biennium.

Suspension of the Rules

Dispensing with the operation of the House or Senate Rules by motion.

Three Considerations Requirement

Consideration of a bill on three different days by each house, as required by the Ohio Constitution. The three-day rule may be suspended by a 2/3 majority vote by the members of the house considering the bill.

First Consideration – The point in the legislative process at which a bill is read on the floor and thereby introduced. Known as Introduction.

Second Consideration – The point in the legislative process at which the Rules and Reference Committee reports a bill back to its house with its referral (assignment) to a standing committee.

Third Consideration – The point in the legislative process at which the full membership of the House of Representatives or Senate votes on a bill. This step is also known as “floor action.”

Uncodified Law

Law of a special nature that has a limited duration or operation and is not assigned an Ohio Revised Code section number. Uncodified law may also be referred to informally as temporary law.

Veto

The Governor’s official disapproval of an act. A veto must occur within ten days, Sundays excepted, of receipt of the act. A vetoed act must be returned to the house in which it originated accompanied by the Governor’s written objections.

Veto, Line-Item

The Governor’s disapproval of an item or items in an appropriation act. Those provisions of the act that are not vetoed become law. The Ohio Supreme Court has ruled that an “item” must be separate and distinct from other provisions of the bill.

Veto, Overriding A

The option available to the General Assembly to re-pass a bill after the Governor has vetoed it. The Ohio Constitution requires a 3/5 vote of each house (or 2/3 in certain instances) to override a veto. Action to override a veto must commence in the bill's house of origin.

Voice Vote

A method of voting by which members indicate approval or disapproval of a measure by saying "yea" or "nay." The presiding officer determines from the yeas and nays which side prevails. A voice vote is slightly different from a roll call vote because votes are not counted on an individual basis.

Appendix A

General Assembly Session and Appropriation Biennium Reference Guide

The table below provides a quick guide to reference the years in which each General Assembly operated (back to the 120th General Assembly). The table also includes corresponding information for the applicable two-year fiscal period for each General Assembly's operating and capital budget acts. A fiscal year begins on July 1 of one year and ends on June 30 of the following year.

General Assembly Session and Appropriation Biennium Reference Guide			
General Assembly	Biennial Session Calendar Years	Operating Budget Biennium Fiscal Years	Capital Budget Biennium Fiscal Years
134th	2021-2022	FY 2022-FY 2023	FY 2023-FY 2024
133rd	2019-2020	FY 2020-FY 2021	FY 2021-FY 2022
132nd	2017-2018	FY 2018-FY 2019	FY 2019-FY 2020
131st	2015-2016	FY 2016-FY 2017	FY 2017-FY 2018
130th	2013-2014	FY 2014-FY 2015	FY 2015-FY 2016
129th	2011-2012	FY 2012-FY 2013	FY 2013-FY 2014
128th	2009-2010	FY 2010-FY 2011	FY 2011-FY 2012
127th	2007-2008	FY 2008-FY 2009	FY 2009-FY 2010
126th	2005-2006	FY 2006-FY 2007	FY 2007-FY 2008
125th	2003-2004	FY 2004-FY 2005	FY 2005-FY 2006
124th	2001-2002	FY 2002-FY 2003	FY 2003-FY 2004
123rd	1999-2000	FY 2000-FY 2001	FY 2001-FY 2002
122nd	1997-1998	FY 1998-FY 1999	FY 1999-FY 2000
121st	1995-1996	FY 1996-FY 1997	FY 1997-FY 1998
120th	1993-1994	FY 1994-FY 1995	FY 1995-FY 1996

Appendix B

Selected Sections of the Ohio Constitution*

Article II: Legislative

§1 In whom power vested

The legislative power of the state shall be vested in a General Assembly consisting of a Senate and House of Representatives but the people reserve to themselves the power to propose to the General Assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. They also reserve the power to adopt or reject any law, section of any law or any item in any law appropriating money passed by the General Assembly, except as hereinafter provided; and independent of the General Assembly to propose amendments to the constitution and to adopt or reject the same at the polls. The limitations expressed in the constitution, on the power of the General Assembly to enact laws, shall be deemed limitations on the power of the people to enact laws.

§1a Initiative to amend constitution

The first afore-stated power reserved by the people is designated the initiative, and the signatures of ten per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to one hundred twenty-five days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors."

§1b Initiative to enact laws

When at any time, not less than ten days prior to the commencement of any session of the General Assembly, there shall have been filed with the secretary of state a petition signed by three per centum of the electors and verified as herein provided, proposing a law, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the General Assembly as soon as it convenes. If said proposed law shall be passed by the General Assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months from the time it is received by the General Assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition to those signing the original petition, which supplementary petition must be signed and filed with the secretary of state within ninety days after the proposed law shall have been rejected by the General Assembly or after the

*The complete text of the Ohio Constitution is available on the websites of the General Assembly (www.legislature.ohio.gov/laws/ohio-constitution) and the Secretary of State (www.ohiosos.gov/globalassets/publications/election/constitution.pdf).

expiration of such term of four months, if no action has been taken thereon, or after the law as passed by the General Assembly shall have been filed by the governor in the office of the secretary of state. The proposed law shall be submitted at the next regular or general election occurring subsequent to one hundred twenty-five days after the supplementary petition is filed in the form demanded by such supplementary petition which form shall be either as first petitioned for or with any amendment or amendments which may have been incorporated therein by either branch or by both branches, of the General Assembly. If a proposed law so submitted is approved by a majority of the electors voting thereon, it shall be the law and shall go into effect as herein provided in lieu of any amended form of said law which may have been passed by the General Assembly, and such amended law passed by the General Assembly shall not go into effect until and unless the law proposed by supplementary petition shall have been rejected by the electors. All such initiative petitions, last above described, shall have printed across the top thereof, in case of proposed laws: "Law Proposed by Initiative Petition First to be Submitted to the General Assembly." Ballots shall be so printed as to permit an affirmative or negative vote upon each measure submitted to the electors. Any proposed law or amendment to the constitution submitted to the electors as provided in section 1a and section 1b, if approved by a majority of the electors voting thereon, shall take effect thirty days after the election at which it was approved and shall be published by the secretary of state. If conflicting proposed laws or conflicting proposed amendments to the constitution shall be approved at the same election by a majority of the total number of votes cast for and against the same, the one receiving the highest number of affirmative votes shall be the law, or in the case of amendments to the constitution shall be the amendment to the constitution. No law proposed by initiative petition and approved by the electors shall be subject to the veto of the governor.

§1c Referendum to challenge laws enacted by General Assembly

The second afore-stated power reserved by the people is designated the referendum, and the signatures of six per centum of the electors shall be required upon a petition to order the submission to the electors of the state for their approval or rejection, of any law, section of any law or any item in any law appropriating money passed by the General Assembly. No law passed by the General Assembly shall go into effect until ninety days after it shall have been filed by the governor in the office of the secretary of state, except as herein provided. When a petition, signed by six per centum of the electors of the state and verified as herein provided, shall have been filed with the secretary of state within ninety days after any law shall have been filed by the governor in the office of the secretary of state, ordering that such law, section of such law or any item in such law appropriating money be submitted to the electors of the state for their approval or rejection, the secretary of state shall submit to the electors of the state for their approval or rejection such law, section or item, in the manner herein provided, at the next succeeding regular or general election in any year occurring subsequent to one hundred twenty-five days after the filing of such petition, and no such law, section or item shall go into effect until and unless approved by a majority of those voting upon the same. If, however, a referendum petition is filed against any such section or item, the remainder of the law shall not thereby be prevented or delayed from going into effect.

§1d Laws not subject to referendum

Laws providing for tax levies, appropriations for the current expenses of the state government and state institutions, and emergency laws necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect. Such emergency laws upon a ye and nay vote must receive the vote of two-thirds of all the members elected to each branch of the General Assembly, and the reasons for such necessity shall be set forth in one section of the law, which section shall be passed only upon a ye and nay vote, upon a separate roll call thereon. The laws mentioned in this section shall not be subject to the referendum.

§1e Limitations on use of initiative and referendum

(A) The powers defined herein as the “initiative” and “referendum” shall not be used to pass a law authorizing any classification of property for the purpose of levying different rates of taxation thereon or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon or to personal property.

(B)(1) Restraint of trade or commerce being injurious to this state and its citizens, the power of the initiative shall not be used to pass an amendment to this constitution that would grant or create a monopoly, oligopoly, or cartel, specify or determine a tax rate, or confer a commercial interest, commercial right, or commercial license to any person, nonpublic entity, or group of persons or nonpublic entities, or any combination thereof, however organized, that is not then available to other similarly situated persons or nonpublic entities.

(2) If a constitutional amendment proposed by initiative petition is certified to appear on the ballot and, in the opinion of the Ohio ballot board, the amendment would conflict with division (B)(I) of this section, the board shall prescribe two separate questions to appear on the ballot, as follows:

(a) The first question shall be as follows:

“Shall the petitioner, in violation of division (B)(I) of Section 1e of Article II of the Ohio Constitution, be authorized to initiate a constitutional amendment that grants or creates a monopoly, oligopoly, or cartel, specifies or determines a tax rate, or confers a commercial interest, commercial right, or commercial license that is not available to other similarly situated persons?”

(b) The second question shall describe the proposed constitutional amendment.

(c) If both questions are approved or affirmed by a majority of the electors voting on them, then the constitutional amendment shall take effect. If only one question is approved or affirmed by a majority of the electors voting on it, then the constitutional amendment shall not take effect.

(3) If, at the general election held on November 3, 2015, the electors approve a proposed constitutional amendment that conflicts with division (B)(I) of this section with regard to the creation of a monopoly, oligopoly, or cartel for the sale, distribution, or other use of any federal Schedule I controlled substance, then notwithstanding any severability provision to the contrary, that entire proposed constitutional amendment shall not take effect. If, at any subsequent

election, the electors approve a proposed constitutional amendment that was proposed by an initiative petition, that conflicts with division (B)(1) of this section, and that was not subject to the procedure described in division (B)(2) of this section, then notwithstanding any severability provision to the contrary, that entire proposed constitutional amendment shall not take effect.

(C) The supreme court of Ohio shall have original, exclusive jurisdiction in any action that relates to this section.

§1f Municipal initiative and referendum

The initiative and referendum powers are hereby reserved to the people of each municipality on all questions which such municipalities may now or hereafter be authorized by law to control by legislative action; such powers shall be exercised in the manner now or hereafter provided by law.

§1g Initiative and referendum petition requirements and ballot language

Any initiative, supplementary, or referendum petition may be presented in separate parts but each part shall contain a full and correct copy of the title, and text of the law, section or item thereof sought to be referred, or the proposed law or proposed amendment to the constitution. Each signer of any initiative, supplementary, or referendum petition must be an elector of the state and shall place on such petition after his name the date of signing and his place of residence. A signer residing outside of a municipality shall state the county and the rural route number, post office address, or township of his residence. A resident of a municipality shall state the street and number, if any, of his residence and the name of the municipality or the post office address. The names of all signers to such petitions shall be written in ink, each signer for himself. To each part of such petition shall be attached the statement of the circulator, as may be required by law, that he witnessed the affixing of every signature. The secretary of state shall determine the sufficiency of the signatures not later than one hundred five days before the election.

The Ohio supreme court shall have original, exclusive jurisdiction over all challenges made to petitions and signatures upon such petitions under this section. Any challenge to a petition or signature on a petition shall be filed not later than ninety-five days before the day of the election. The court shall hear and rule on any challenges made to petitions and signatures not later than eighty-five days before the election. If no ruling determining the petition or signatures to be insufficient is issued at least eighty-five days before the election, the petition and signatures upon such petitions shall be presumed to be in all respects sufficient.

If the petitions or signatures are determined to be insufficient, ten additional days shall be allowed for the filing of additional signatures to such petition. If additional signatures are filed, the secretary of state shall determine the sufficiency of those additional signatures not later than sixty-five days before the election. Any challenge to the additional signatures shall be filed not later than fifty-five days before the day of the election. The court shall hear and rule on any challenges made to the additional signatures not later than forty-five days before the election. If no ruling determining the additional signatures to be insufficient is issued at least forty-five days before the election, the petition and signatures shall be presumed to be in all respects sufficient.

No law or amendment to the constitution submitted to the electors by initiative and supplementary petition and receiving an affirmative majority of the votes cast thereon, shall be held unconstitutional or void on account of the insufficiency of the petitions by which such submission of the same was procured; nor shall the rejection of any law submitted by referendum petition be held invalid for such insufficiency. Upon all initiative, supplementary, and referendum petitions provided for in any of the sections of this article, it shall be necessary to file from each of one-half of the counties of the state, petitions bearing the signatures of not less than one-half of the designated percentage of the electors of such county. A true copy of all laws or proposed laws or proposed amendments to the constitution, together with an argument or explanation, or both, for, and also an argument or explanation, or both, against the same, shall be prepared. The person or persons who prepare the argument or explanation, or both, against any law, section, or item, submitted to the electors by referendum petition, may be named in such petition and the persons who prepare the argument or explanation, or both, for any proposed law or proposed amendment to the constitution may be named in the petition proposing the same. The person or persons who prepare the argument or explanation, or both, for the law, section, or item, submitted to the electors by referendum petition, or against any proposed law submitted by supplementary petition, shall be named by the General Assembly, if in session, and if not in session then by the governor. The law, or proposed law, or proposed amendment to the constitution, together with the arguments and explanations, not exceeding a total of three hundred words for each, and also the arguments and explanations, not exceeding a total of three hundred words against each, shall be published once a week for three consecutive weeks preceding the election, in at least one newspaper of general circulation in each county of the state, where a newspaper is published. The secretary of state shall cause to be placed upon the ballots, the ballot language for any such law, or proposed law, or proposed amendment to the constitution, to be submitted. The ballot language shall be prescribed by the Ohio ballot board in the same manner, and subject to the same terms and conditions, as apply to issues submitted by the General Assembly pursuant to Section 1 of Article XVI of this constitution. The ballot language shall be so prescribed and the secretary of state shall cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law, or proposed amendment to the constitution. The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be it Resolved by the People of the State of Ohio." The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provisions or the powers herein reserved.

§2 Election and term of state legislators

Representatives shall be elected biennially by the electors of the respective House of Representatives districts; their term of office shall commence on the first day of January next thereafter and continue two years.

Senators shall be elected by the electors of the respective Senate districts; their terms of office shall commence on the first day of January next after their election. All terms of senators which commence on the first day of January, 1969 shall be four years, and all terms which commence on the first day of January, 1971 shall be four years. Thereafter, except for the filling of vacancies for unexpired terms, senators shall be elected to and hold office for terms of four years.

No person shall hold the office of State Senator for a period longer than two successive terms of four years. No person shall hold the office of State Representative for a period longer than four successive terms of two years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after January 1, 1993 shall be considered in determining an individual's eligibility to hold office.

[See Article V, §9 for determining eligibility to hold office under this section.]

§3 Residence requirements for state legislators

Senators and representatives shall have resided in their respective districts one year next preceding their election, unless they shall have been absent on the public business of the United States, or of this state.

§4 Dual office holding and conflict of interest prohibited

No member of the General Assembly shall, during the term for which he was elected, unless during such term he resigns therefrom, hold any public office under the United States, or this state, or a political subdivision thereof; but this provision does not extend to officers of a political party, notaries public, or officers of the militia or of the United States armed forces.

No member of the General Assembly shall, during the term for which he was elected, or for one year thereafter, be appointed to any public office under this state, which office was created or the compensation of which was increased, during the term for which he was elected.

§5 Who may not hold office

No person hereafter convicted of an embezzlement of the public funds, shall hold any office in this State; nor shall any person, holding public money for disbursement, or otherwise, have a seat in the General Assembly, until he shall have accounted for, and paid such money into the treasury.

§6 Powers of each house

Each house shall be judge of the election, returns, and qualifications of its own members. A majority of all the members elected to each house shall be a quorum to do business; but, a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalties, as shall be prescribed by law.

Each house may punish its members for disorderly conduct and, with the concurrence of two-thirds of the members elected thereto, expel a member, but not the second time for the same cause. Each house has all powers necessary to provide for its safety and the undisturbed transaction of its business, and to obtain, through committees or otherwise, information affecting legislative action under consideration or in contemplation, or with reference to any

alleged breach of its privileges or misconduct of its members, and to that end to enforce the attendance and testimony of witnesses, and the production of books and papers.

§7 Organization of the General Assembly

The mode of organizing each house of the General Assembly shall be prescribed by law.

Each house, except as otherwise provided in this constitution, shall choose its own officers. The presiding officer in the Senate shall be designated as president of the Senate and in the House of Representatives as speaker of the House of Representatives.

Each house shall determine its own rules of proceeding.

§8 Sessions of the General Assembly

Each General Assembly shall convene in first regular session on the first Monday of January in the odd-numbered year, or on the succeeding day if the first Monday of January is a legal holiday, and in second regular session on the same date of the following year. Either the governor, or the presiding officers of the General Assembly chosen by the members thereof, acting jointly, may convene the General Assembly in special session by a proclamation which may limit the purpose of the session. If the presiding officer of the Senate is not chosen by the members thereof, the president pro tempore of the Senate may act with the speaker of the House of Representatives in the calling of a special session.

§9 House and Senate Journals

Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal; and, on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal.

§10 Right of members to protest

Any member of either house shall have the right to protest against any act, or resolution thereof; and such protest, and the reasons therefor, shall, without alteration, commitment, or delay, be entered upon the journal.

§11 Filling vacancy in House or Senate

A vacancy in the Senate or in the House of Representatives for any cause, including the failure of a member-elect to qualify for office, shall be filled by election by the members of the Senate or the members of the House of Representatives, as the case may be, who are affiliated with the same political party as the person last elected by the electors to the seat which has become vacant. A vacancy occurring before or during the first twenty months of a Senatorial term shall be filled temporarily by election as provided in this section, for only that portion of the term which will expire on the thirty-first day of December following the next general election occurring in an even-numbered year after the vacancy occurs, at which election the seat shall be filled by the electors as provided by law for the remaining, unexpired portion of the term, the member-elect so chosen to take office on the first day in January next following such election. No person shall be elected to fill a vacancy in the Senate or House of Representatives, as the case may be, unless he meets the qualifications set forth in this constitution and the laws of this state

for the seat in which the vacancy occurs. An election to fill a vacancy shall be accomplished, notwithstanding the provisions of section 27, Article II of this constitution, by the adoption of a resolution, while the Senate or the House of Representatives, as the case may be, is in session, with the taking of the yeas and nays of the members of the Senate or the House of Representatives, as the case may be, affiliated with the same political party as the person last elected to the seat in which the vacancy occurs. The adoption of such resolution shall require the affirmative vote of a majority of the members elected to the Senate or the House of Representatives, as the case may be, entitled to vote thereon. Such vote shall be spread upon the journal of the Senate or the House of Representatives, as the case may be, and certified to the secretary of state by the clerk thereof. The secretary of state shall, upon receipt of such certification, issue a certificate of election to the person so elected and upon presentation of such certificate to the Senate or the House of Representatives, as the case may be, the person so elected shall take the oath of office and become a member of the Senate or the House of Representatives, as the case may be, for the term for which he was so elected.

§12 Legislative privilege

Senators and representatives, during the session of the General Assembly, and in going to, and returning from the same, shall be privileged from arrest, in all cases, except treason, felony, or breach of the peace; and for any speech, or debate, in either house, they shall not be questioned elsewhere.

§13 Legislative sessions public

The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

§14 Adjournment

Neither house shall, without the consent of the other, adjourn for more than five days, Sundays excluded; nor to any other place than that, in which the two houses are in session.

§15 Passage of bills

(A) The General Assembly shall enact no law except by bill, and no bill shall be passed without the concurrence of a majority of the members elected to each house. Bills may originate in either house, but may be altered, amended, or rejected in the other.

(B) The style of the laws of this state shall be, “be it enacted by the General Assembly of the state of Ohio.”

(C) Every bill shall be considered by each house on three different days, unless two-thirds of the members elected to the house in which it is pending suspend this requirement, and every individual consideration of a bill or action suspending the requirement shall be recorded in the journal of the respective house. No bill may be passed until the bill has been reproduced and distributed to members of the house in which it is pending and every amendment been made available upon a member’s request.

(D) No bill shall contain more than one subject, which shall be clearly expressed in its title. No law shall be revived or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections amended shall be repealed.

(E) Every bill which has passed both houses of the General Assembly shall be signed by the presiding officer of each house to certify that the procedural requirements for passage have been met and shall be presented forthwith to the governor for his approval.

(F) Every joint resolution which has been adopted in both houses of the General Assembly shall be signed by the presiding officer of each house to certify that the procedural requirements for adoption have been met and shall forthwith be filed with the secretary of state.

§16 Governor's action on acts

If the governor approves an act, he shall sign it, it becomes law and he shall file it with the secretary of state.

If he does not approve it, he shall return it with his objections in writing, to the house in which it originated, which shall enter the objections at large upon its journal, and may then reconsider the vote on its passage. If three-fifths of the members elected to the house of origin vote to repass the bill, it shall be sent, with the objections of the governor, to the other house, which may also reconsider the vote on its passage. If three-fifths of the members elected to the second house vote to repass it, it becomes law notwithstanding the objections of the governor, and the presiding officer of the second house shall file it with the secretary of state. In no case shall a bill be repassed by a smaller vote than is required by the constitution on its original passage. In all cases of reconsideration the vote of each house shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal.

If a bill is not returned by the governor within ten days, Sundays excepted, after being presented to him, it becomes law in like manner as if he had signed it, unless the General Assembly by adjournment prevents its return; in which case, it becomes law unless, within ten days after such adjournment, it is filed by him, with his objections in writing, in the office of the secretary of state. The governor shall file with the secretary of state every bill not returned by him to the house of origin that becomes law without his signature.

The governor may disapprove any item or items in any bill making an appropriation of money and the item or items, so disapproved, shall be void, unless repassed in the manner prescribed by this section for the repassage of a bill.

§20 Term and compensation of officers

The General Assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

§21 Contested elections

The General Assembly shall determine, by law, before what authority, and in what manner the trial of contested elections shall be conducted.

§22 Appropriations

No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years.

§23 Impeachment procedure

The House of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be tried by the Senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

§24 Officers liable to impeachment; consequences

The governor, judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law.

§26 Uniform operation of laws

All laws, of a general nature, shall have a uniform operation throughout the state; nor, shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the General Assembly, except, as otherwise provided in this constitution.

§27 Election and appointment of officers; filling vacancies

The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the General Assembly, except as prescribed in this constitution; and in these cases, the vote shall be taken “viva voce.”

§28 Retroactive laws

The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of this state.

§29 No extra compensation

No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid, on any claim, the subject matter of which shall not have been provided for by preexisting law, unless such compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

§30 New counties

No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided, whenever a majority of the voters, residing in each of the proposed divisions, shall approve of the law passed for that purpose; but, no town or city within the same, shall be divided, nor, shall either of the divisions contain less than twenty thousand inhabitants.

§31 Compensation of members and officers of the General Assembly

The members and officers of the General Assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

§32 Divorces and judicial power

The General Assembly shall grant no divorce, nor, exercise any judicial power, not herein expressly conferred.

§33 Mechanics' and contractors' liens

Laws may be passed to secure to mechanics, artisans, laborers, subcontractors and material men, their just dues by direct lien upon the property, upon which they have bestowed labor or for which they have furnished material. No other provision of the constitution shall impair or limit this power.

§34 Welfare of employees

Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety and general welfare of all employees [sic]; and no other provision of the constitution shall impair or limit this power.

§34a Minimum wage

Except as provided in this section, every employer shall pay their employees a wage rate of not less than six dollars and eighty-five cents per hour beginning January 1, 2007. On the thirtieth day of each September, beginning in 2007, this state minimum wage rate shall be increased effective the first day of the following January by the rate of inflation for the twelve-month period prior to that September according to the consumer price index or its successor index for all urban wage earners and clerical workers for all items as calculated by the federal government rounded to the nearest five cents. Employees under the age of sixteen and employees of businesses with annual gross receipts of two hundred fifty thousand dollars or less for the preceding calendar year shall be paid a wage rate of not less than that established under the federal Fair Labor Standards Act or its successor law. This gross revenue figure shall be increased each year beginning January 1, 2008 by the change in the consumer price index or its successor index in the same manner as the required annual adjustment in the minimum wage

rate set forth above rounded to the nearest one thousand dollars. An employer may pay an employee less than, but not less than half, the minimum wage rate required by this section if the employer is able to demonstrate that the employee receives tips that combined with the wages paid by the employer are equal to or greater than the minimum wage rate for all hours worked. The provisions of this section shall not apply to employees of a solely family owned and operated business who are family members of an owner. The state may issue licenses to employers authorizing payment of a wage rate below that required by this section to individuals with mental or physical disabilities that may otherwise adversely affect their opportunity for employment.

As used in this section: “employer,” “employee,” “employ,” “person” and “independent contractor” have the same meanings as under the federal Fair Labor Standards Act or its successor law, except that “employer” shall also include the state and every political subdivision and “employee” shall not include an individual employed in or about the property of the employer or individual’s residence on a casual basis. Only the exemptions set forth in this section shall apply to this section.

An employer shall at the time of hire provide an employee the employer’s name, address, telephone number, and other contact information and update such information when it changes. An employer shall maintain a record of the name, address, occupation, pay rate, hours worked for each day worked and each amount paid an employee for a period of not less than three years following the last date the employee was employed. Such information shall be provided without charge to an employee or person acting on behalf of an employee upon request. An employee, person acting on behalf of one or more employees and/or any other interested party may file a complaint with the state for a violation of any provision of this section or any law or regulation implementing its provisions. Such complaint shall be promptly investigated and resolved by the state. The employee’s name shall be kept confidential unless disclosure is necessary to resolution of a complaint and the employee consents to disclosure. The state may on its own initiative investigate an employer’s compliance with this section and any law or regulation implementing its provisions. The employer shall make available to the state any records related to such investigation and other information required for enforcement of this section or any law or regulation implementing its provisions. No employer shall discharge or in any other manner discriminate or retaliate against an employee for exercising any right under this section or any law or regulation implementing its provisions or against any person for providing assistance to an employee or information regarding the same.

An action for equitable and monetary relief may be brought against an employer by the attorney general and/or an employee or person acting on behalf of an employee or all similarly situated employees in any court of competent jurisdiction, including the common pleas court of an employee’s county of residence, for any violation of this section or any law or regulation implementing its provisions within three years of the violation or of when the violation ceased if it was of a continuing nature, or within one year after notification to the employee of final disposition by the state of a complaint for the same violation, whichever is later. There shall be no exhaustion requirement, no procedural, pleading or burden of proof requirements beyond those that apply generally to civil suits in order to maintain such action and no liability for costs or attorney’s fees on an employee except upon a finding that such action was frivolous in accordance with the same standards that apply generally in civil suits. Where an employer is

found by the state or a court to have violated any provision of this section, the employer shall within thirty days of the finding pay the employee back wages, damages, and the employee's costs and reasonable attorney's fees. Damages shall be calculated as an additional two times the amount of the back wages and in the case of a violation of an anti-retaliation provision an amount set by the state or court sufficient to compensate the employee and deter future violations, but not less than one hundred fifty dollars for each day that the violation continued. Payment under this paragraph shall not be stayed pending any appeal.

This section shall be liberally construed in favor of its purposes. Laws may be passed to implement its provisions and create additional remedies, increase the minimum wage rate and extend the coverage of the section, but in no manner restricting any provision of the section or the power of municipalities under Article XVIII of this constitution with respect to the same.

If any part of this section is held invalid, the remainder of the section shall not be affected by such holding and shall continue in full force and effect.

§35 Workers' compensation

For the purpose of providing compensation to workmen and their dependents, for death, injuries or occupational disease, occasioned in the course of such workmen's employment, laws may be passed establishing a state fund to be created by compulsory contribution thereto by employers, and administered by the state, determining the terms and conditions upon which payment shall be made therefrom. Such compensation shall be in lieu of all other rights to compensation, or damages, for such death, injuries, or occupational disease, and any employer who pays the premium or compensation provided by law, passed in accordance herewith, shall not be liable to respond in damages at common law or by statute for such death, injuries or occupational disease. Laws may be passed establishing a board which may be empowered to classify all occupations, according to their degree of hazard, to fix rates of contribution to such fund according to such classification, and to collect, administer and distribute such fund, and to determine all rights of claimants thereto. Such board shall set aside as a separate fund such proportion of the contributions paid by employers as in its judgment may be necessary, not to exceed one per centum thereof in any year, and so as to equalize, insofar as possible, the burden thereof, to be expended by such board in such manner as may be provided by law for the investigation and prevention of industrial accidents and diseases. Such board shall have full power and authority to hear and determine whether or not an injury, disease or death resulted because of the failure of the employer to comply with any specific requirement for the protection of the lives, health or safety of employees, enacted by the General Assembly or in the form of an order adopted by such board, and its decision shall be final; and for the purpose of such investigations and inquiries it may appoint referees. When it is found, upon hearing, that an injury, disease or death resulted because of such failure by the employer, such amount as shall be found to be just, not greater than fifty nor less than fifteen per centum of the maximum award established by law, shall be added by the board, to the amount of the compensation that may be awarded on account of such injury, disease, or death, and paid in like manner as other awards; and, if such compensation is paid from the state fund, the premium of such employer shall be increased in such amount, covering such period of time as may be fixed, as will recoup the state fund in the amount of such additional award, notwithstanding any and all other provisions in this constitution.

§36 Conservation of natural resources

Laws may be passed to encourage forestry and agriculture, and to that end areas devoted exclusively to forestry may be exempted, in whole or in part, from taxation. Notwithstanding the provisions of section 2 of Article XII, laws may be passed to provide that land devoted exclusively to agricultural use be valued for real property tax purposes at the current value such land has for such agricultural use. Laws may also be passed to provide for the deferral or recoupment of any part of the difference in the dollar amount of real property tax levied in any year on land valued in accordance with its agricultural use and the dollar amount of real property tax which would have been levied upon such land had it been valued for such year in accordance with section 2 of Article XII. Laws may also be passed to provide for converting into forest reserves such lands or parts of lands as have been or may be forfeited to the state, and to authorize the acquiring of other lands for that purpose; also, to provide for the conservation of the natural resources of the state, including streams, lakes, submerged and swamp lands and the development and regulation of water power and the formation of drainage and conservation districts; and to provide for the regulation of methods of mining, weighing, measuring and marketing coal, oil, gas and all other minerals.

§37 Workday and workweek on public projects

Except in cases of extraordinary emergency, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the state, or any political subdivision thereof, whether done by contract, or otherwise.

§38 Removal of officials for misconduct

Laws shall be passed providing for the prompt removal from office, upon complaint and hearing, of all officers, including state officers, judges and members of the General Assembly, for any misconduct involving moral turpitude or for other cause provided by law; and this method of removal shall be in addition to impeachment or other method of removal authorized by the constitution.

§39 Regulating expert testimony in criminal trials

Laws may be passed for the regulation of the use of expert witnesses and expert testimony in criminal trials and proceedings.

§40 Land titles

Laws may be passed providing for a system of registering, transferring, insuring and guaranteeing land titles by the state or by the counties thereof, and for settling and determining adverse or other claims to and interests in, lands the titles to which are so registered, insured or guaranteed, and for the creation and collection of guaranty funds by fees to be assessed against lands, the titles to which are registered; and judicial powers with right of appeal may by law be conferred upon county recorders or other officers in matters arising under the operation of such system.

§41 Prison labor

Laws may be passed providing for and regulating the occupation and employment of prisoners sentenced to the several penal institutions and reformatories in the state.

§42 Continuity of governmental operations in emergencies caused by enemy attack

The General Assembly shall have the power and the immediate duty to pass laws to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices and to pass such other laws as may be necessary and proper for insuring the continuity of governmental operations in periods of emergency resulting from disasters caused by enemy attack.

Article III: Executive

§7 State of the state message

He [the governor] shall communicate at every session, by message, to the general assembly, the condition of the state, and recommend such measures as he shall deem expedient.

§8 Convening of special session of legislature

The governor on extraordinary occasions may convene the General Assembly by proclamation and shall state in the proclamation the purpose for which such special session is called, and no other business shall be transacted at such special session except that named in the proclamation, or in a subsequent public proclamation or message to the General Assembly issued by the governor during said special session, but the General Assembly may provide for the expenses of the session and other matters incidental thereto.

§9 When governor may adjourn the General Assembly

In case of disagreement between the two houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

§15 Succession to office of governor

(A) In the case of the death, conviction on impeachment, resignation, or removal, of the governor, the lieutenant governor shall succeed to the office of governor.

(B) When the governor is unable to discharge the duties of office by reason of disability, the lieutenant governor shall serve as governor until the governor's disability terminates.

(C) In the event of a vacancy in the office of governor or when the governor is unable to discharge the duties of office, the line of succession to the office of governor or to the position of serving as governor for the duration of the governor's disability shall proceed from the lieutenant governor to the president of the Senate and then to the speaker of the House of Representatives.

(D) Any person serving as governor for the duration of the governor's disability shall have the powers, duties, and compensation of the office of governor. Any person who succeeds to the office of governor shall have the powers, duties, title, and compensation of the office of governor.

(E) No person shall simultaneously serve as governor and lieutenant governor, president of the Senate, or speaker of the House of Representatives, nor shall any person simultaneously receive the compensation of the office of governor and that of lieutenant governor, president of the Senate, or speaker of the House of Representatives.

§17 Succession to office of governor

When a vacancy occurs in both the office of governor and lieutenant governor because of the death, conviction on impeachment, resignation, or removal of the persons elected to those offices prior to the expiration of the first twenty months of a term, a governor and lieutenant governor shall be elected at the next general election occurring in an even-numbered year after the vacancy occurs, for the unexpired portion of the term. The officer next in line of succession to the office of governor shall serve as governor from the occurrence of the vacancy until the newly elected governor has qualified.

If by reason of death, resignation, or disqualification, the governor-elect is unable to assume the office of governor at the commencement of the gubernatorial term, the lieutenant governor-elect shall assume the office of governor for the full term. If at the commencement of such term, the governor-elect fails to assume the office by reason of disability, the lieutenant governor-elect shall serve as governor until the disability of the governor-elect terminates.

§21 Appointment to office; advice and consent of Senate

When required by law, appointments to state office shall be subject to the advice and consent of the Senate. All statutory provisions requiring advice and consent of the Senate to appointments to state office heretofore enacted by the General Assembly are hereby validated, ratified and confirmed as to all appointments made hereafter, but any such provision may be altered or repealed by law.

No appointment shall be consented to without concurrence of a majority of the total number of senators provided for by this constitution, except as hereinafter provided for in the case of failure of the Senate to act. If the Senate has acted upon any appointment to which its consent is required and has refused to consent, an appointment of another person shall be made to fill the vacancy.

If an appointment is submitted during a session of the General Assembly, it shall be acted upon by the Senate during such session of the General Assembly, except that if such session of the General Assembly adjourns sine die within ten days after such submission without acting upon such appointment, it may be acted upon at the next session of the General Assembly.

If an appointment is made after the Senate has adjourned sine die, it shall be submitted to the Senate during the next session of the General Assembly.

In acting upon an appointment a vote shall be taken by a yea and nay vote of the members of the Senate and shall be entered upon its journal. Failure of the Senate to act by a roll call vote

on an appointment by the governor within the time provided for herein shall constitute consent to such appointment.

Article V: Elective Franchise

§9 Calculating term of office of state legislators

In determining the eligibility of an individual to hold an office in accordance with Articles II, III, and V of this Constitution, (A) time spent in an office in fulfillment of a term to which another person was first elected shall not be considered provided that a period of at least four years passed between the time, if any, in which the individual previously held that office, and the time the individual is elected or appointed to fulfill the unexpired term; and (B) a person who is elected to an office in a regularly scheduled general election and resigns prior to the completion of the term for which he or she was elected, shall be considered to have served the full term in that office.

Article XV: Miscellaneous

§4 Officers to be qualified electors

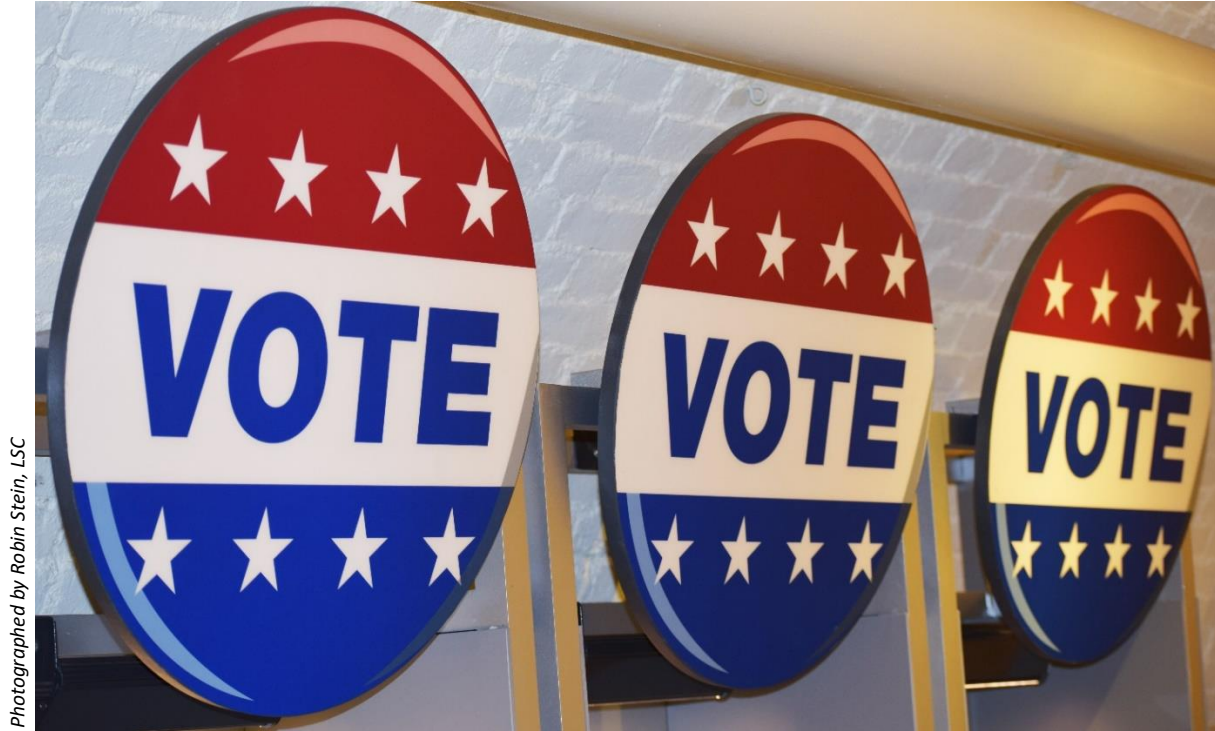
No person shall be elected or appointed to any office in this state unless possessed of the qualifications of an elector.

§7 Oath of officers

Every person chosen or appointed to any office under this state, before entering upon the discharge of its duties, shall take an oath or affirmation, to support the Constitution of the United States, and of this state, and also an oath of office.

Appendix C

Recounts and Contested Elections



Elections Display, Statehouse Museum Education Center

Recounts

If the winner of a primary or general election for Senator or Representative does not win by a margin of at least 0.5%, an automatic recount is conducted. Otherwise, any losing candidate in the race may file a request with the relevant board of elections for a recount in any particular precinct. The request must be filed within five days after the election results are declared.

The government pays the costs of an automatic recount. However, if a recount is requested, the candidate requesting the recount must pay the cost of the recount, up to a maximum fee of \$60 per precinct. The candidate's money will be returned if the recount results in a change in the election result or if the recount reveals a number of votes for the candidate in a precinct that is more than 4% larger than the candidate's previously recorded number of votes.

After setting the time and place of any recount, the board of elections must notify each candidate by certified mail. The candidates or their designees are entitled to observe all of the proceedings, but only the election officials may touch the ballots. If the recount in one or more precincts changes the declared election result, the candidate originally declared the winner may request a recount in any other precinct where the ballots were not recounted. The candidate must file that request within five days after the amended election results are released.

Contested elections

A Senator's or Representative's election also may be contested by filing a petition with the appropriate court within 15 days after the election results are announced or within ten days after the results of any recount are announced. The petition must (1) set forth the grounds for the election contest, (2) be signed either by the losing candidate or by at least 25 persons who voted for the office being contested, (3) be verified by the oath of the losing candidate or at least two of the petitioners, and (4) be accompanied by a surety bond in a sum sufficient to pay all costs of the contest. (The person who files the petition is known as the "contestor.") The court causes a copy of the petition to be served upon the Senator or Representative whose election is being contested. (The Senator or Representative is known as the "contestee.") The Senator or Representative has ten days after receiving the petition to answer it. After the Senator or Representative answers, the contestor has five days to reply.

Between 15 and 30 days after the petition is filed, the court holds a trial of the contest at which evidence is taken. The trial proceeds much as an ordinary civil trial and is heard expeditiously by the court without a jury. In order to prevail, the contestor must prove by clear and convincing evidence (1) that one or more election irregularities occurred and (2) that the irregularity or irregularities affected enough votes to change or make uncertain the result of the election.

If a Senate or House district is larger than a county, the appropriate court to hear an election contest arising with respect to the district is the Ohio Supreme Court. If a Senate or House district consists of one county or is smaller than a county, the appropriate court to hear an election contest arising with respect to the district is the court of common pleas of the county in which the contest arose.

When the election of someone other than a Senator or Representative is at issue, the court pronounces judgment at the conclusion of the trial. However, when a Senator's or Representative's election is contested, the court does not pronounce judgment because each house of the General Assembly has exclusive power to judge the election, returns, and qualifications of its members. After hearing the contest, the court transmits a transcript of the testimony and all other evidence presented in the case to the Clerk of the Senate or the Clerk of the House. The Senate or House then proceeds to resolve the contest. The only limitation on the Senate and House in resolving a contest is that they cannot declare a person to be eligible if the person is ineligible under the Ohio Constitution.

Appendix D

Statutory and Common Law



Photographed by Robin Stein, LSC

Legislative Service Commission Library Law Room

Types of Law

Statutes often are contrasted with another form of law, the common law. The General Assembly enacts statutes. Courts make common law as they decide cases that do not involve statutory interpretation. The doctrine of precedent (*stare decisis*) is the mechanism by which the courts apply the common law. Under this doctrine, when a court decides a case, it generally is required to follow prior decisions that deal with facts similar to the facts in the case under consideration (precedents). Additionally, in all cases, the courts are required to take notice of and apply relevant statutes. When a statute applies to a case, and its precise application is not plain, the courts interpret the statute in order to apply it to the case. The General Assembly may modify the common law by statute.

Finding Statutes and Common Law

Statutes are enacted in two forms: codified and uncoded. Statutes having a general and permanent nature are codified; statutes of a special or temporary nature are left uncoded. An example of a codified statute is section 5747.02 of the Revised Code, which levies the state income tax. The state income tax is a subject having a general and permanent nature. An example of an uncoded statute is one authorizing the sale of a parcel of state-owned real estate; because each parcel of land is unique and the authority to convey it is subject to specified conditions and a deadline, such a statute is special and temporary.

Acts of the General Assembly (and the codified and uncoded statutes they contain) are officially archived by the Secretary of State and compiled by that office in Ohio's "session laws," the *Laws of Ohio*. Since the 2007-2008 edition, the *Laws of Ohio* have been published exclusively

in electronic form (www.ohiosos.gov/legislation-and-ballot-issues/laws-of-ohio/). Codified statutes are compiled from the *Laws of Ohio* and organized in the Revised Code, which is published online by LSC at codes.ohio.gov, and in various formats by commercial publishers for their subscribers. Uncodified statutes may appear as annotations in commercial publications of the Revised Code, at the discretion of the editors.

Although the common law is sometimes said to be “unwritten,” this assertion is not really accurate. The common law is written down, in large part, in opinions issued by the courts. When courts decide cases, they often write opinions to explain the reasoning by which they have reached their decisions. These opinions, when not based on statutory interpretation, state the common law. Court opinions often are compiled and published in volumes known as “reports” and then are available as precedents for future court decisions.

Checks and Balances

Statutes and the common law interact with each other in such a way as to serve as checks and balances between the General Assembly and the courts. The power of the General Assembly to enact statutes that modify the common law, together with the duty of the courts to take notice of and apply statutes, is a check upon the power of the courts. On the other hand, the General Assembly may only enact statutes within the scope of its constitutional power. If the General Assembly exceeds its constitutional authority in enacting a statute, the courts may invalidate the statute by declaring it unconstitutional. Under the principle of severability, such a decision makes the statute unenforceable to the extent of its unconstitutionality. To the extent that the statute is not unconstitutional, it remains enforceable.

Because the courts have no power to amend or repeal statutes, an unconstitutional statute “remains on the books” in spite of its unenforceability until the General Assembly amends or repeals it, as appropriate.

Appendix E

Committee and Floor Action Guides

House Committee Action Guide – 134th General Assembly

See the House Clerk for answers to specific parliamentary questions.

HR: The House Rules for the 134th General Assembly.

Mason's: *Mason's Manual of Legislative Procedure* (2020 edition), the parliamentary guide that governs in all cases not provided in House Rules (HR 116).

Committee action	Number of votes needed (citation)
Obtain a committee quorum	Majority of committee members (HR 35)
Meet	Any number of members; to do business, a quorum is needed and a member of the majority party must be present (HR 35)
Adjourn from time to time	Any number of members (HR 35)
Approve the minutes of the previous meeting	Majority of a quorum of the committee (HR 45 and Mason's §510)
Hear testimony and receive evidence	Any number of members, so long as a member of the majority party is present (HR 35)
Adopt amendments	Majority of a quorum of the committee; to vote a member must actually be physically present when the amendment is voted upon (HR 41 and Mason's §510)
Accept a substitute bill	Majority of a quorum of the committee; to vote a member must actually be physically present when the substitute is voted upon (HR 41 and Mason's §510)
Accept a subcommittee report	Majority of a quorum of the committee (Mason's §510)
Report a bill or resolution out of committee	Majority of all committee members; also, sponsor must appear before committee at least once before report, unless excused by chair or Speaker (HR 37 and 40)
Report a bill or an amended bill out of committee without first considering a local fiscal impact statement or a revised local fiscal impact statement, respectively	$\frac{2}{3}$ of all the committee members (R.C. 103.143)
Report a bill out of committee without first considering an occupational regulation report	$\frac{2}{3}$ of all the committee members (R.C. 103.26)
Resolve questions generally	Majority of a quorum of the committee (Mason's §510)
Move to reconsider a vote	Motion made by member on prevailing side (HR 95)
Vote to reconsider	Majority of a quorum (HR 96)
Divide an amendment (if chair determines it has two or more distinct subjects)	One (HR 91)
Resolve a question of order	Decided by the committee chair (HR 31)
Postpone consideration of a bill or resolution indefinitely	Majority of all committee members (HR 40)

Committee action	Number of votes needed (citation)
Meet at date, time, or place, or consider a bill, resolution, or other matter, other than that stated in the committee notice	By order of the House or the committee (but committee still must comply with the open meetings laws except in emergency situations, in which case the chair may revise the notice (HR 36 and R.C. 101.15)
Discharge a bill from committee	A majority of members of the House (50) (HR 87)
Issue a subpoena	Issued by the committee chair when authorized by a majority vote of the committee (HR 33 and R.C. 101.41)
Order a person to appear and produce books, papers, electronic documents, or records and other tangible evidence	Committee chair, by majority vote of the committee, may issue the order (HR 33 and R.C. 101.81)
Sit during daily House session	Special leave of the House (HR 36)
Sit during recess from daily House session	Ordered by committee chair or Speaker (HR 31, 34, and 36)
Authorization	How obtained (citation)
Photograph, video record, or film a hearing	With prior notification to and under conditions prescribed by chair (HR 111 and 112)
Audio recording during hearing	With prior notification of committee chair (HR 112)
Live broadcast coverage of hearings	With prior notification to Speaker and under conditions prescribed by Speaker and committee chair (HR 112)

House Floor Action or Motion Guide – 134th General Assembly

See the House Clerk for answers to specific parliamentary questions.

HR: The House Rules for the 134th General Assembly.

Mason's: *Mason's Manual of Legislative Procedure* (2020 edition), the parliamentary guide that governs in all cases not provided in House Rules (HR 116).

Floor action	Number of votes needed (citation)
Meet	Any number of members; quorum (50) is needed to do business (Ohio Const., Art. II, §6 and HR 2)
Pass a bill, generally	50 (Ohio Const., Art. II, §15(A))
Pass a bill as an emergency measure	66 (Ohio Const., Art. II, §1d)
Propose a constitutional amendment	60 (Ohio Const., Art. XVI, §1)
Pass a resolution involving the expenditure of money or the right of a member to a seat in the House	50, unless a greater majority is constitutionally required (HR 79)
Consider resolution, with objection	60 (HR 77)
Concur in Senate amendments	The same number of members needed to pass the bill (Ohio Const., Art. II, §15(A))
Consider concurrence in Senate amendments without synopsis of Senate amendments	50 (HR 68)
Override Governor's veto	60, unless original passage required a greater majority (Ohio Const., Art. II, §16)
Offer an amendment	One (Mason's §156) To be in order, one paper copy of the amendment must be submitted to the Clerk not later than two hours before the scheduled time for the beginning of the session at which the amendment is offered, unless otherwise ordered by a majority of the House (HR 71)
Offer a resolution	One (Mason's §156) To be in order, one paper copy of the resolution must be submitted to the Clerk not later than two hours before the scheduled time for the beginning of the session at which the resolution is offered, unless otherwise ordered by a majority of the House (HR 71)
Adopt an amendment	Majority of a quorum (Ohio Const., Art. II, §6 and Mason's §510)
Reintroduce previously rejected/tabled bill, amendment, or resolution within 90 days	66 (HR 91 and HR 117)
Resolve questions, generally	Majority of a quorum (Ohio Const., Art. II, §6 and Mason's §510)
Carry a motion, generally	Majority of a quorum (Ohio Const., Art. II, §6 and Mason's §510)
Take a bill out of order	Majority of a quorum (HR 75)
Vote to reconsider	Majority of a quorum (HR 96)

Floor action	Number of votes needed (citation)
Adjourn from time to time	Majority of a quorum (or a majority of a lesser number if a quorum is not present) (Ohio Const., Art. II, §6 and HR 2)
Suspend the House rules, generally	$\frac{2}{3}$ of all members present (HR 115)
Suspend the requirement that a bill be considered on three separate days	66 (Ohio Const., Art. II, §15(C))
Fill a vacant seat	A majority of the members elected by the same political party as the person last elected to the seat (Ohio Const., Art. II, §11)
Explain a vote (must be before roll is closed)	Unanimous consent (HR 60)
Consider conference committee report carrying an appropriation earlier than two calendar days after submission	50 (HR 66A)
Consider a conference committee report without synopsis of the recommendations	50 (HR 68)
Require a motion to be reduced to writing	Request of Speaker or presiding officer or any two members (HR 81)
Compel attendance of absent members	Majority of a quorum (or a majority of a lesser number if a quorum is not present) (Ohio Const., Art. II, §6 and HR 2)
Consider a reintroduced bill without reference to committee	$\frac{2}{3}$ majority (HR 118; see HR 118 for other procedural requirements)
Expel a House member	66 (Ohio Const., Art. II, §6)
Conduct House proceedings in secrecy	$\frac{2}{3}$ of members present (Ohio Const., Art. II, §13 and HR 120)
Impeach a state officer	50 (Ohio Const., Art. II, §23)
Pay money on a claim not authorized by pre-existing law	66 (Ohio Const., Art. II, §29)
Pay extra compensation to certain persons after they have rendered services	66 (Ohio Const., Art. II, §29)
Declare the Governor unable to discharge the Governor's duties	66 (Ohio Const., Art. III, §22)
Establish a new court	66 (Ohio Const., Art. IV, §15)
Change the number of judges on Supreme Court or a court of common pleas	66 (Ohio Const., Art. IV, §15)
Remove a judge from office	66 (Ohio Const., Art. IV, §17)
Make a matter a special order of business	$\frac{2}{3}$ of members present (HR 4)
Make a motion at the end of a speech, generally	Unanimous consent (HR 48)
Reject a bill on first consideration	Majority of the members present (HR 61)

Floor action	Number of votes needed (citation)
Performance of Clerk, Chief Administrator Officer, or Sergeant-at-Arms duties in case of death or resignation	Speaker designates individual to perform duties until House fills vacancy (HR 27)
Block recording of vote of a member after the vote is announced	Three (HR 58)
Divide an amendment (if presiding officer determines it has two or more distinct subjects)	One (HR 91)
Floor motion	Number of votes needed (citation)
Make a motion, generally	One (Mason's §156)
Call the yeas and nays	One (Ohio Const., Art. II, §9 and HR 58)
Make motion for the previous question	Written motion made by one member supported by four or more other members (HR 101)
Make motion to explain the member's vote	Unanimous consent (must be requested by the member before the House votes on the matter) (HR 60)
Appeal to the House the decision of the Speaker whether to call a member to order	One, supported by four or more members (at least one member from each party) (HR 51)
Appeal decision of Speaker on point of order or point of procedure	One, supported by four or more members (at least one member from each party) (HR 51)
Demand a call of the House	The Speaker or presiding officer or any two members, while transacting House business as set forth by the Rules and Reference Committee and appropriately placed on the calendar (HR 52)
Make motion for reconsideration of a bill	<p>Made by member who voted on the prevailing side not later than the second legislative day following the day on which the vote was taken:</p> <ul style="list-style-type: none"> ▪ If the bill or resolution failed, the motion must be supported by the lesser of either five members or a sufficient number of members who either voted on the prevailing side or who did not previously vote on the question to achieve a constitutional majority. ▪ If the bill or resolution was passed or adopted, the motion must be supported by the lesser of either five members who voted on the prevailing side or a sufficient number of members who voted on the prevailing side whose change in position would result in failure to achieve a constitutional majority. (HR 95)

Note: Unless otherwise noted, a majority of a quorum is needed to carry a motion (Mason's §510)

How the numbers were determined:	
<ul style="list-style-type: none"> ▪ The House of Representatives has 99 members ▪ 60 is the next whole number over $\frac{3}{5}$ of 99 	<ul style="list-style-type: none"> ▪ 50 is a quorum; 50 is the next whole number over $\frac{1}{2}$ of 99 ▪ 66 is $\frac{2}{3}$ of 99

Senate Committee Action Guide – 134th General Assembly

See the Senate Clerk for answers to specific parliamentary questions.

SR: The Senate Rules for the 134th General Assembly.

Mason's: *Mason's Manual of Legislative Procedure* (2020 edition), the parliamentary guide that governs in all cases not provided in Senate Rules (SR 99).

Committee action	Number of votes needed (citation)
Obtain a committee quorum	Majority of committee members (SR 23)
Make a motion, except a motion to adjourn	Quorum of the committee (SR 23)
Approve the minutes of the previous meeting	Majority of a quorum of the committee (Mason's §510)
Hear a measure	One or more committee members (SR 23)
Adopt amendments	Majority of a quorum of the committee (SR 23 and Mason's §510)
Accept a substitute bill	Majority of a quorum of the committee (Mason's §510)
Accept a subcommittee report	Majority of a quorum of the committee (Mason's §510)
Recommend a bill or resolution for passage	Majority of committee members (SR 24)
Report a bill or an amended bill out of committee without first considering a local fiscal impact statement or a revised local fiscal impact statement, respectively	$\frac{2}{3}$ of all the committee members (R.C. 103.143)
Report a bill out of committee without first considering an occupational regulation report	$\frac{2}{3}$ of all the committee members (R.C. 103.26)
Reconsider a vote	Same number as were required originally to pass the matter to be reconsidered (SR 24)
Resolve questions, generally	Majority of a quorum of the committee (Mason's §510)
Postpone consideration of a bill or resolution indefinitely	Majority of committee members (SR 24)
Call a committee meeting that is not called by the committee chairperson	Majority of committee members, in the chairperson's absence or refusal to call the committee together (SR 21)
Discharge a bill from committee	A majority of members of the Senate (17) (SR 32)
Sit during voting session of the Senate	A majority of members of the Senate (17) (SR 22)
Issue a subpoena	Issued by committee chairperson when authorized by the President (SR 20 and R.C. 101.41)
Order attendance of witnesses or production of books, papers, and other tangible evidence	Issued by committee chairperson when authorized by President (SR 20 and R.C. 101.81)
Authorization	How obtained (citation)
Tape or film a committee hearing	Prior consent of the committee chairperson (SR 115)
Use a committee room for a purpose other than official Senate business	Prior approval of Senate Clerk and use must be appropriate (SR 106)

Senate Floor Action or Motion Guide – 134th General Assembly

See the Senate Clerk for answers to specific parliamentary questions.

SR: The Senate Rules for the 134th General Assembly.

Mason's: *Mason's Manual of Legislative Procedure* (2020 edition), the parliamentary guide that governs in all cases not provided in Senate Rules (SR 99).

Floor action	Number of votes needed (citation)
Meet	Any number of members; quorum (17) is needed to do business (Ohio Const., Art II, §6 and SR 11)
Pass a bill, generally	17 (Ohio Const., Art. II, §15(A))
Pass a bill as an emergency measure	22 (Ohio Const., Art. II, §1d)
Propose a constitutional amendment	20 (Ohio Const., Art. XVI, §1)
Concur in House amendments	The same number of members needed to pass the bill (Ohio Const., Art. II, §15(A))
Override Governor's veto	20, unless original passage required a greater majority (Ohio Const., Art. II, §16)
Offer an amendment	<p>One (Mason's §156)</p> <ul style="list-style-type: none"> ▪ A senator, other than the President Pro Tempore, Majority Floor Leader, Minority Leader, or Assistant Minority Leader, may propose not more than two amendments and one omnibus amendment to a bill or resolution or, to a bill that makes an appropriation, five amendments and one omnibus amendment (SR 53) ▪ The amendment must be submitted to the Clerk not less than 90 minutes before the scheduled beginning of the session. The deadline does not apply if a committee voted to report the bill or resolution on the calendar day of the session or on the previous calendar day (SR 79)
Adopt an amendment, generally	Majority of a quorum (Ohio Const., Art. II, §6 and Mason's §510)
Adopt an amendment that incorporates into a bill or resolution the substance of another bill or resolution pending before the Senate	17 (SR 50)
Resolve questions, generally	Majority of a quorum (Ohio Const., Art. II, §6 and Mason's §510)
Carry a motion, generally	Majority of a quorum (Ohio Const., Art. II, §6 and Mason's §510)
Revert to or advance to a new order of business	17 (SR 8)
Recommit or rerefer a bill	17 (SR 37)
Previous question	17 (SR 83)
Adjourn from day to day	Majority of a quorum (or a majority of a lesser number if a quorum is not present) (Ohio Const., Art. II, §6 and SR 10)
Suspend the Senate Rules, generally	20 (SR 98)

Floor action	Number of votes needed (citation)
Suspend the requirement that a bill be considered on three different days	22 (Ohio Const., Art. II, §15(C))
Use the Senate chamber for a purpose other than a legislative purpose	22 (SR 105)
Reconsider a vote (other than previous question)	If the bill or resolution has been declared lost, the number of affirmative votes necessary to pass the bill or resolution. Otherwise, majority of a quorum (SR 86)
Change one's vote after a roll call has been verified and the results declared	One. The change must be made before the Senate has proceeded to the next order of business. No senator may change the senator's vote if that change would alter the disposition of the question (SR 68)
Floor action	Number of votes needed (citation)
Fill a vacant seat	A majority of the members elected by the same political party as the person last elected to the seat (Ohio Const., Art. II, §11)
Compel attendance of absent members	Majority of a quorum (or a majority of a lesser number if a quorum is not present) (Ohio Const., Art. II, §6 and SR 10)
Expel a Senate member	22 (Ohio Const., Art. II, §6)
Conduct Senate proceedings in secrecy	$\frac{2}{3}$ of members present (Ohio Const., Art. II, §13)
Obtain a conviction of impeachment	22 (probably) (Ohio Const., Art. II, §23)
Pay money on a claim not authorized by pre-existing law	22 (Ohio Const., Art. II, §29)
Pay extra compensation to certain persons after they have rendered services	22 (Ohio Const., Art. II, §29)
Declare the Governor unable to discharge the Governor's duties	22 (Ohio Const., Art. III, §22)
Establish a new court	22 (Ohio Const., Art. IV, §15)
Change the number of judges on the Supreme Court or a court of common pleas	22 (Ohio Const., Art. IV, §15)
Remove a judge from office	22 (Ohio Const., Art. IV, §17)
Make a bill or resolution a special order	20 (SR 39)
Take up a bill ordered for third consideration at a particular time earlier than that ordered time	20 (SR 43)
Waive requirement that a resolution proposing the creation of a special investigating committee be referred to the Rules and Reference Committee	22 (SR 54)
Consider early a bill or resolution postponed until a time certain	20 (SR 93)

Floor action	Number of votes needed (citation)
Consider a bill or resolution for concurrence earlier than one calendar day after being returned by the House	17 (SR 44)
Consider a conference committee report earlier than one calendar day after the report is filed with the Senate Clerk	17 (SR 44)
Annex or incorporate into a bill or resolution the substance of another bill or resolution	17 (SR 50)
Alter the Senate Rules	20 (SR 98)
Initiation or defense of legal actions by the Senate	Decided by the President (SR 5)

Floor motion	Number of votes needed (citation)
Make a motion, generally	One (Mason's §156)
Make motion for the previous question	Demand of three (SR 83)
Make motion for reconsideration of a bill	One member who voted on the prevailing side (made within the next two legislative days of the Senate after the vote was taken) (SR 85)
Appeal to the Senate a decision of the President on a question of order	Three (SR 75)
Call the yeas and nays	One, supported by another member (Ohio Const., Art. II, §9 and SR 58)
Demand a call of the Senate	Motion made by one and seconded by three others (SR 12)
Verify a vote	Any member may demand after the roll is called (SR 67)
Call a member to order for transgressing the Senate Rules	The President shall, and any member may, call the member to order (SR 76)

Note: Unless otherwise noted, a majority of a quorum is needed to carry a motion (Mason's §510)

How the numbers were determined:	
<ul style="list-style-type: none"> The Senate has 33 members 20 is the next whole number over $\frac{3}{5}$ of 33 	<ul style="list-style-type: none"> 17 is a quorum; 17 is the next whole number over $\frac{1}{2}$ of 33 22 is $\frac{2}{3}$ of 33

Appendix F

Information Sources

Legislative Information

Schedules – session and committees	General Assembly Website (Schedules tab)	
Watch sessions and committees	<ul style="list-style-type: none"> ▪ In person: Statehouse ▪ Online: The Ohio Channel ▪ Select public television channels 	
Find your elected official	General Assembly Website (Who Represents Me?)	
Committee information (schedules, membership, testimony, and other records)	134 th General Assembly (2021-2022) <ul style="list-style-type: none"> ▪ General Assembly Website (Committees tab) ▪ Ohio House Website (Committees tab) ▪ Ohio Senate Website (Committees menu) 	133 rd General Assembly or earlier (2020 or earlier) <ul style="list-style-type: none"> ▪ House Clerk ▪ Senate Clerk ▪ LSC Library
Bills, resolutions, and legislative support documents	131 st General Assembly (2015-present) General Assembly Website (Legislation tab)	122 nd to the 130 th General Assemblies (1997-2014) General Assembly Archives Website
	Prior sessions, contact the LSC Library	
Budget bills and support documents	124 th General Assembly (2001-present) LSC Website (Budget Central tab) Prior budgets, contact the LSC Library	
Quick overview of bill status	115 th General Assembly (1983-present) Status Reports Prior sessions, contact the LSC Library	
Journals of the House and Senate	131 st General Assembly (2015-present) Journals	125 th General Assembly (2003-2004) (House only); 126 th through 130 th General Assemblies (2006-2014) Archived Journals
	Prior sessions, contact the LSC Library	

Signed acts/Laws of Ohio	127 th General Assembly (2007-present) <ul style="list-style-type: none"> ▪ Signed acts filed with the Secretary of State ▪ Prior sessions, contact the LSC Library 		
Review of bills that passed in a General Assembly	122 nd General Assembly (1997-present) <ul style="list-style-type: none"> ▪ LSC Digest of Enactments ▪ Prior sessions, contact the LSC Library 		
Legislative information numbers	(800) 282-0253 Toll-free number (Ohio only) (614) 466-8842 <i>Helpline focused on assisting constituents by answering questions about (1) the legislative process and (2) how to monitor the status of bills and committee schedules</i>		
Key contacts	House Clerk (614) 466-3357	Senate Clerk (614) 466-4900	LSC Library (614) 466-5312
Key websites	General Assembly www.legislature.ohio.gov	Ohio Channel www.ohiochannel.org/	Legislative Service Commission (LSC) www.lsc.ohio.gov

Statehouse Media Contacts

Ohio Government Telecommunications/The Ohio Channel

(614) 728-9814 • www.ohiochannel.org

Statehouse, Room 013 • 1 Capitol Square • Columbus, OH 43215

The Ohio Government Telecommunications (OGT)/The Ohio Channel has been providing gavel-to-gavel coverage of Ohio House and Ohio Senate sessions since 1997. OGT is also responsible for providing full coverage of Ohio Supreme Court sessions, most legislative committee hearings, and for Statehouse teleconferences. OGT also provides video services for the Office of the Governor and state agencies.

Questions about future programming and the services OGT provides should be directed to helpdesk@ohiochannel.org.

Statehouse Press Corps/Ohio Legislative Correspondents Association

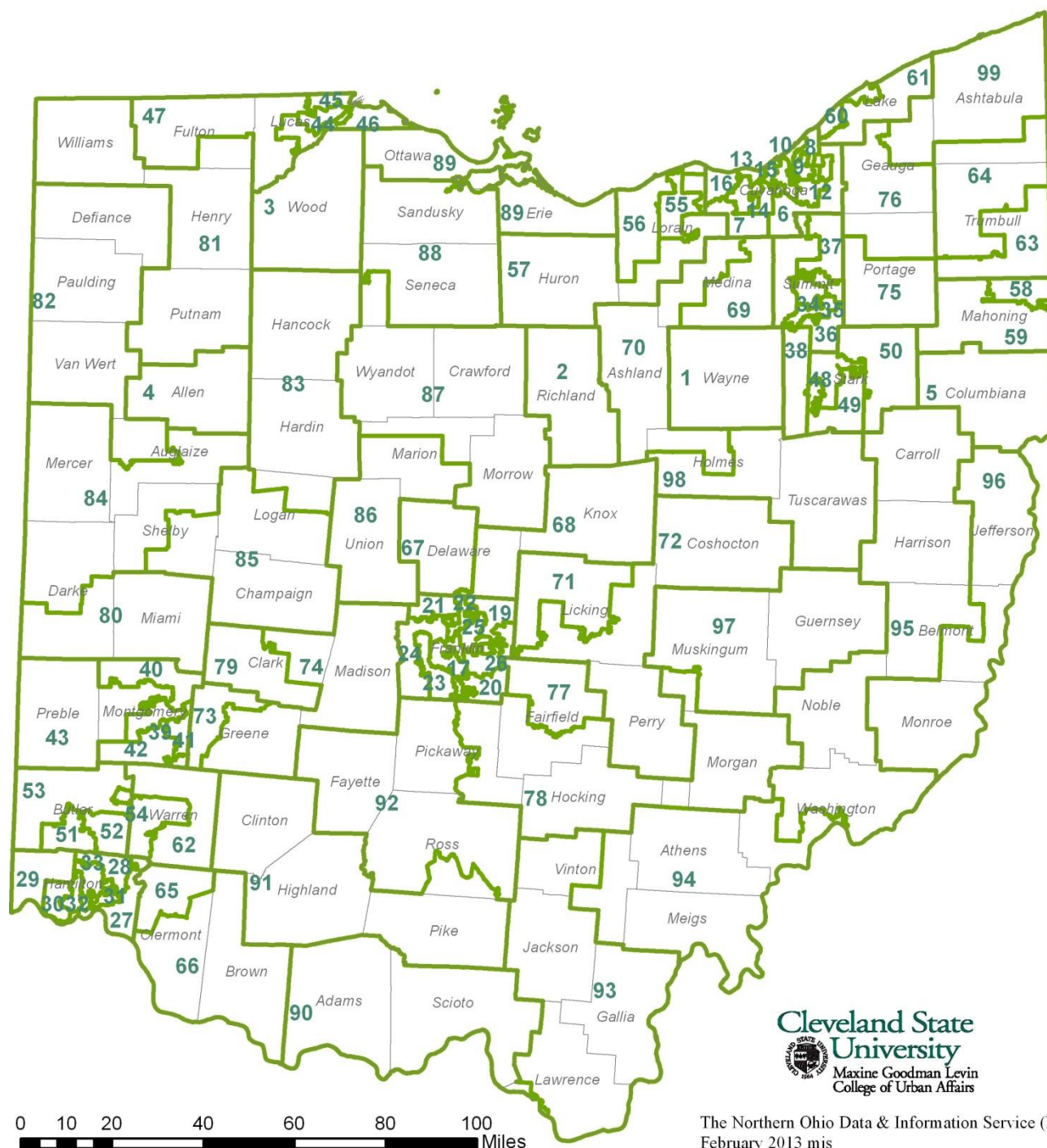
Statehouse Press Room • (614) 466-4482 • www.olca.info

Statehouse, Room 107 • 1 Capitol Square • Columbus, OH 43215

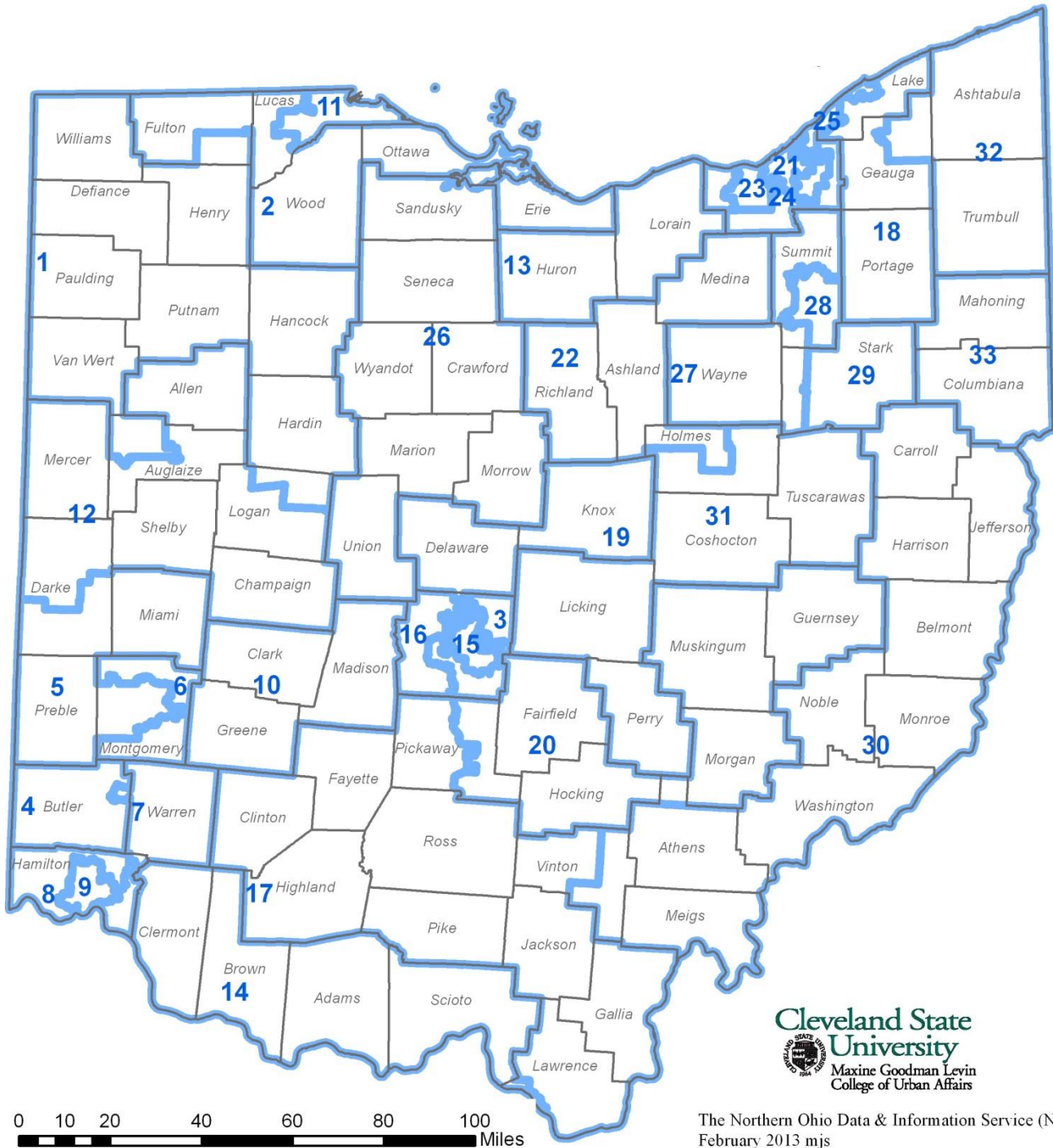
For over 125 years, members of the Ohio Legislative Correspondents Association (OLCA) have provided coverage of the Ohio legislature. Members are located in the Statehouse Press Room and the Statehouse Radio and Television Room. A list of OLCA members and their news media organizations, mailing and email addresses, telephone and fax numbers, and websites can be found on the OLCA website or may be requested from the Press Room Clerk at (614) 466-4482.

Questions about OLCA may be directed to any of the current officers listed on the OLCA website.

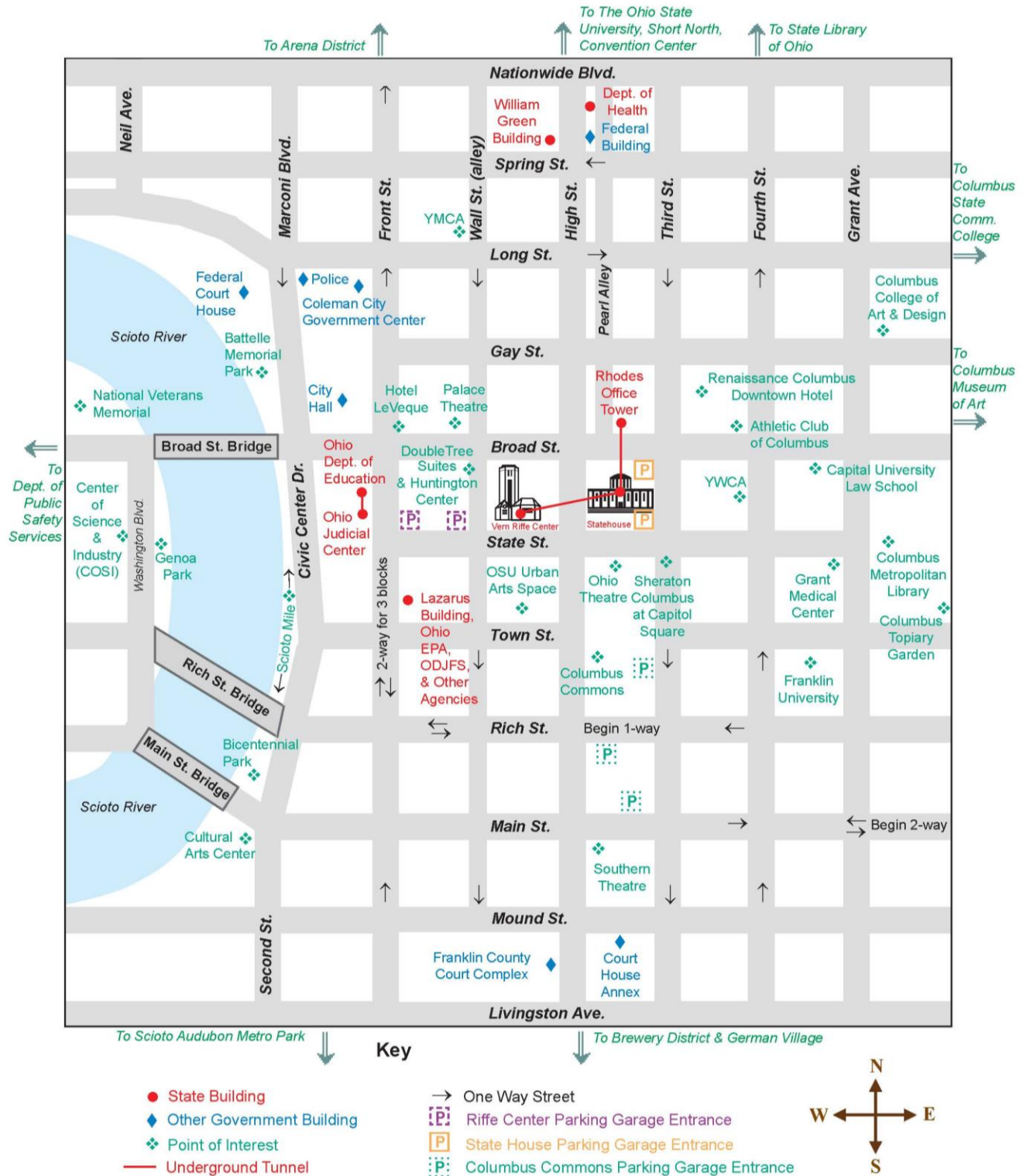
Ohio House Districts
134th Ohio General Assembly



Ohio Senate Districts 134th Ohio General Assembly

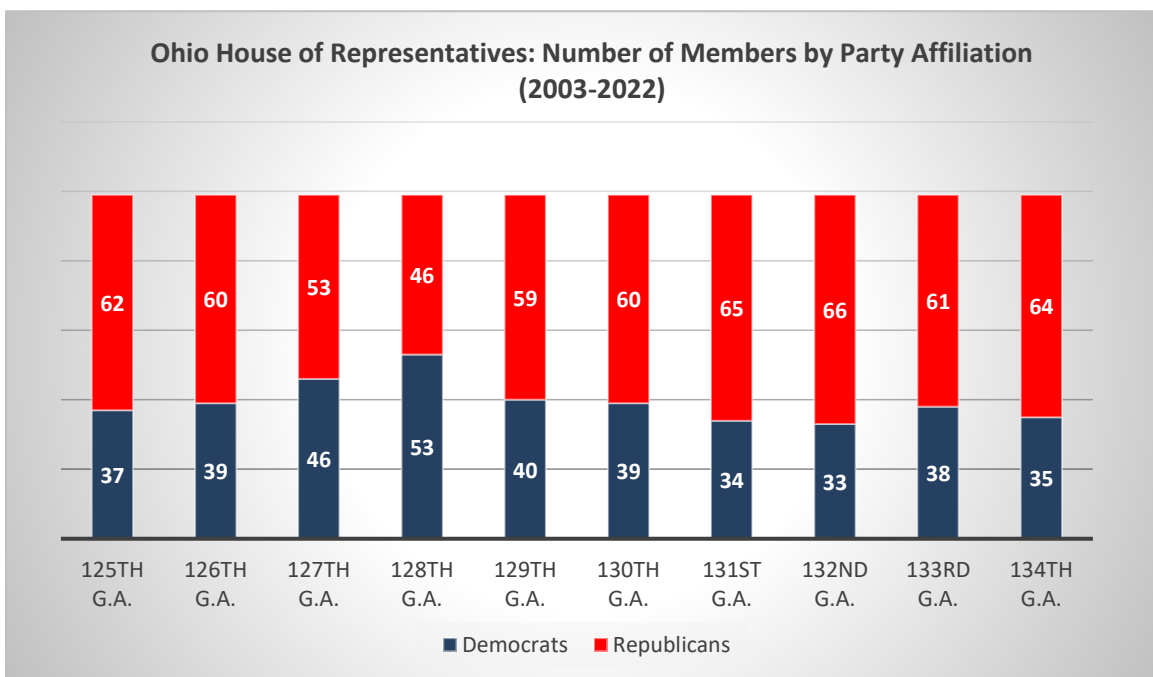
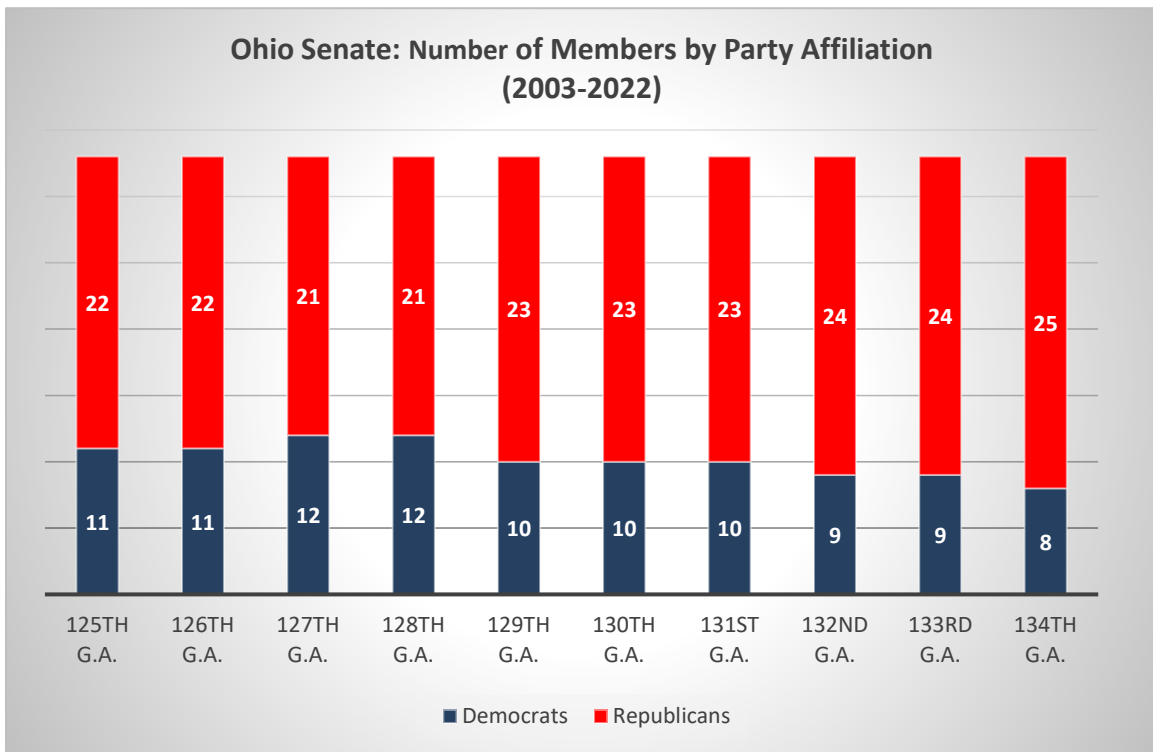


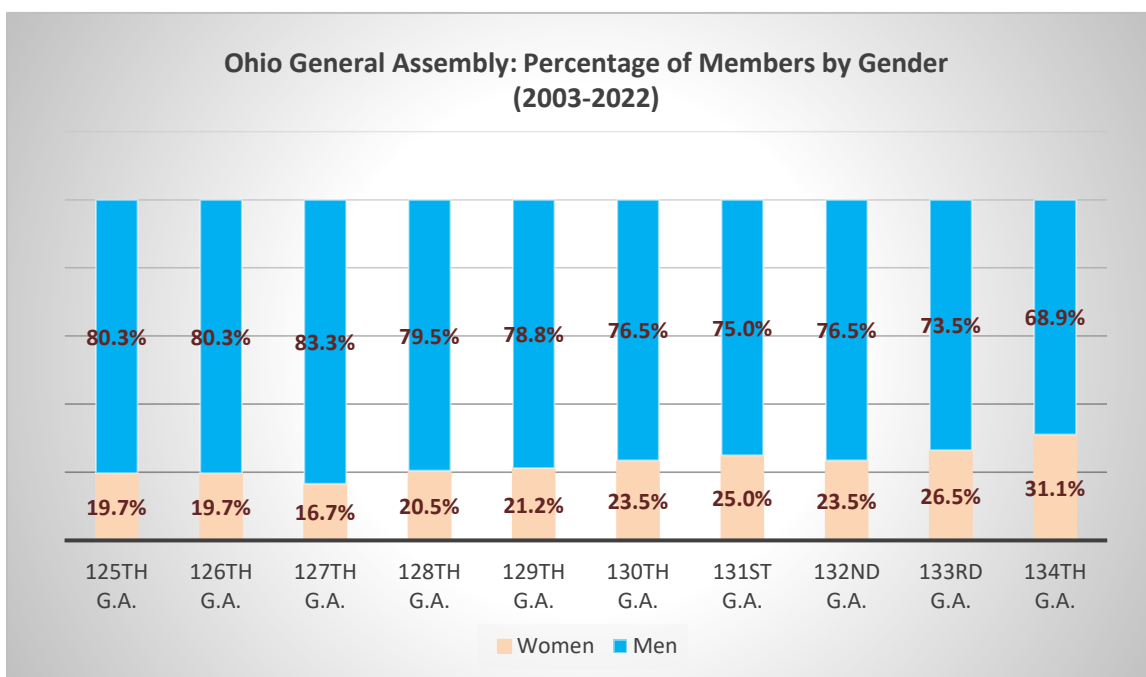
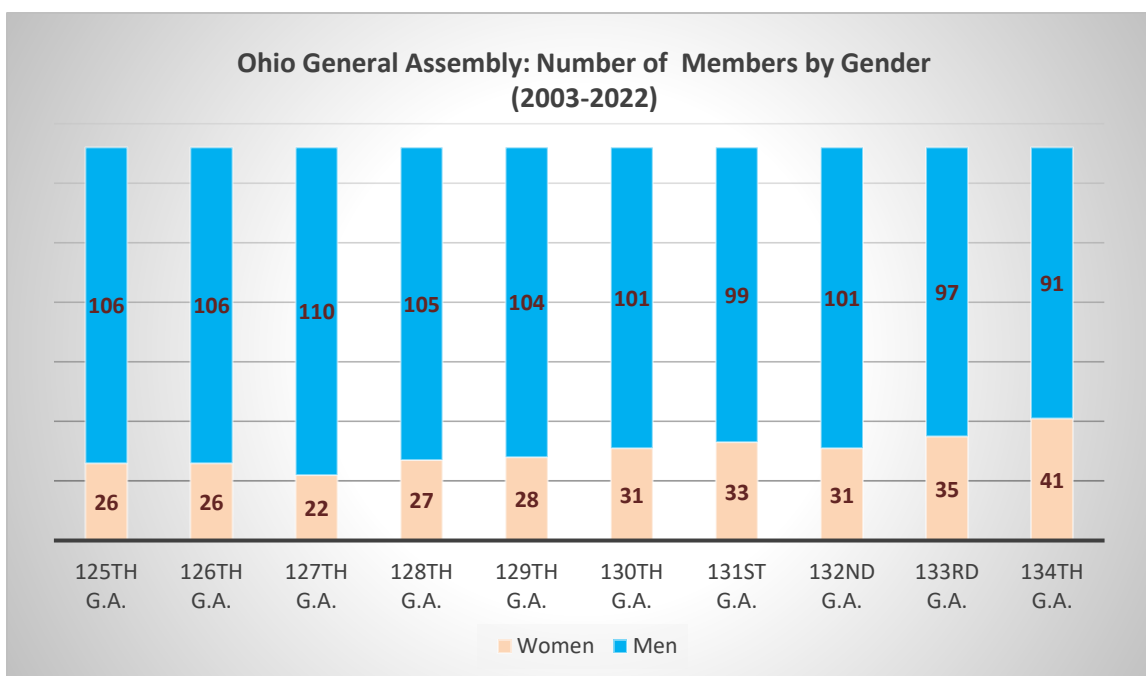
Downtown Columbus



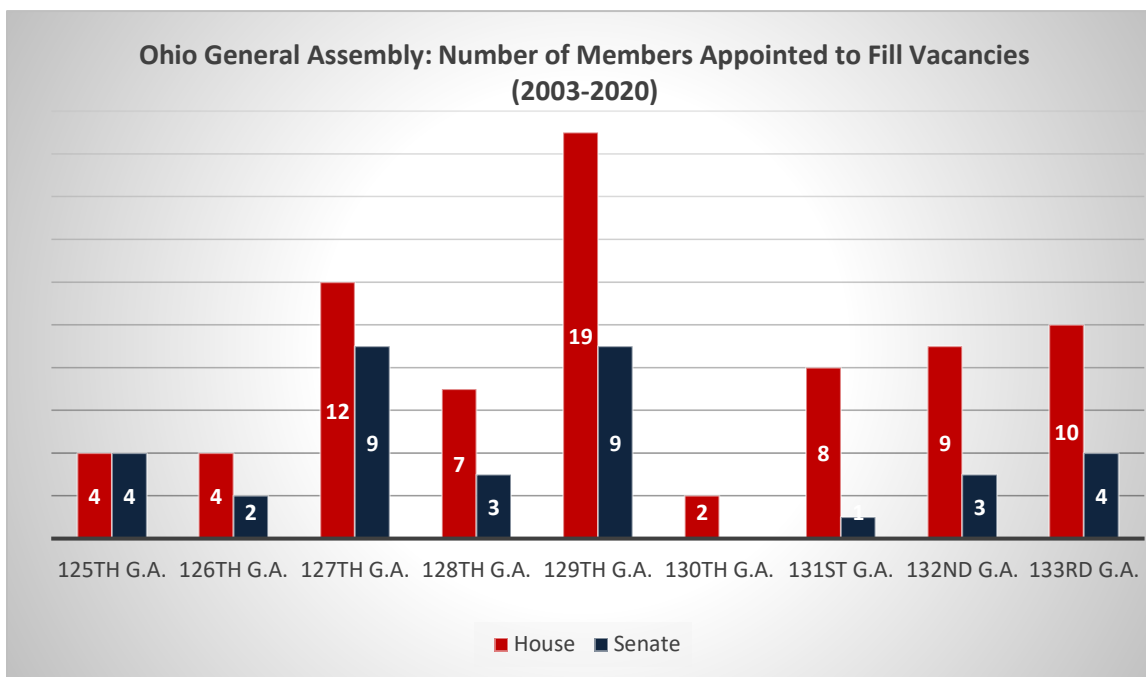
Appendix G

Ohio General Assembly Demographics





Note: Totals and percentages for both charts are as of the November election prior to each General Assembly. They do not reflect changes due to vacancies or appointments.



Ohio General Assembly: Number and Percentage of Members by Term Limit Year 134 th General Assembly				
Calendar Year	House		Senate	
	Number	Percentage	Number	Percentage
2022	14	14.1%	5	15.1%
2024	18	18.2%	6	18.2%
2026	36	36.4%	12	36.4%
2028	31	31.3%	10	30.3%
Total	99	100.0%	33	100.0%

Note: Totals and percentages reflect the results of the November 2020 election and do not reflect changes due to vacancies or appointments.

Appendix H

Retirement Plans for Legislators

Photographs by Kristin Rhee, LSC



Ohio Veterans Memorial Plaza,
Capitol Square

Types of Retirement Plans

As stated in [Chapter 3](#), OPERS currently offers three plans for retirement: the Traditional Plan (a defined benefit plan), the Member Directed Plan (a defined contribution plan), and the Combined Plan. A new OPERS member must elect a plan within 180 days after beginning employment. A member who fails to make this election is placed in the Traditional Plan, summarized below. A member may switch to a different plan one time during the member's career. Over 75% of OPERS members are enrolled in the Traditional Plan. This plan is described in more detail below.

Under the Member Directed Plan, the member directs the investment of the contributions in the member's account; benefits are based solely on the success of those investments. The plan does not provide distinct disability or survivor benefits. The Member Directed Plan includes an individual retiree medical account from which retiree medical expenses and health insurance premiums may be paid. More information about the Member Directed Plan is available at www.opers.org/members/Member-Directed/index.shtml.

The Combined Plan, likely to be closed to new members in 2022, includes elements of both the Traditional Plan and Member Directed Plan. Under this plan, the member directs only the investment of the member's contributions, while OPERS invests the House or Senate contributions. Benefits are based on a combination of (1) the success of the investments and (2) the member's age, years of service, and final average salary. Disability, survivor, and retiree health care benefits are provided to the same extent as under the Traditional Plan. More information about the Combined Plan can be found at www.opers.org/members/Combined.

Traditional Plan

Under the Traditional Plan, a member receives a retirement benefit based on age, years of service, and final average salary. This plan includes disability and survivor benefits and may include retiree health care coverage.

Member Groups

Eligibility to retire is determined by which group applies to the member – A, B, or C. The following table lists the OPERS members in each group and summarizes age and service retirement eligibility requirements for the groups.

Traditional Plan Member Groups		
Group	Members	Retirement Eligibility
Group A	A member who, on or before January 7, 2018, met eligibility requirements that were in effect before January 7, 2013.	<p>Unreduced benefit: at age 65 with at least five years of service credit or at any age with 30 years of service credit.</p> <p>Reduced benefit: as early as age 55 with 25 years of service credit or age 60 with 5 years of service credit.</p>
Group B	A member who, no later than January 7, 2023, will meet eligibility requirements that were in effect before January 7, 2013, or a member who had at least 20 or more years of service credit as of January 7, 2013.	<p>Unreduced benefit: at age 66 with at least 5 years of service credit, at age 52 with 31 years of service credit, or at any age with 32 years of service credit.</p> <p>Reduced benefit: as early as age 55 with 25 years of service credit or age 60 with 5 years of service credit.</p>
Group C	All other Traditional Plan members.	<p>Unreduced benefit: at age 67 with at least 5 years of service credit or at age 55 with 32 years of service credit.</p> <p>Reduced benefit: as early as age 57 with 25 years of service credit or age 62 with 5 years of service credit.</p>

Benefit Formula

The Traditional Plan retirement benefit is determined by a formula. The formula is based on the member's group, years of service, and final average salary (FAS).

Groups A and B receive an annual lifetime allowance equal to 2.2% of FAS per year for each of the first 30 years of service credit, plus 2.5% of FAS for each year of service credit over 30 years. Members in Group C do not receive the 2.5% multiplier until after 35 years of service. Thus, for members in Group C, the unreduced retirement benefit consists of an annual lifetime allowance equal to 2.2% of FAS, multiplied by the first 35 years of service plus 2.5% of FAS for each year of service over 35 years.

FAS is determined as the average of the three highest years of earnable salary for members in Groups A and B and the five highest years of earnable salary for Group C members.

The retirement benefit may be a retirement allowance or lump sum amount and a smaller monthly allowance.

Additional Service Credit

A member of the General Assembly, as an elected official, has the option of purchasing, prior to retirement, additional service credit in an amount not exceeding 35% of his or her service credit earned as an elected official, subject to limitations specified in federal law. Additional service credit may also be purchased for a variety of prior service, including military service, police, fire, or highway patrol service, and out-of-state, federal, or Ohio municipal retirement system service. After 18 months of new contributing service, a member may also purchase credit for prior noncontributing service (also called “exempt service”) and service for which the member withdrew his or her accumulated contributions. Charges for purchased credit vary depending on type of service, but in most cases reflect the actuarial cost to OPERS of providing the credit.

Cost-of-Living Adjustment

OPERS is authorized to pay an annual amount as a cost-of-living adjustment (COLA) to recipients of retirement allowances, disability benefits, and survivor benefits. For recipients whose benefits began before January 7, 2013, the COLA is 3%. The COLA for recipients with benefits beginning on or after that date is the percentage increase in the Consumer Price Index (CPI), not exceeding 3%.

Disability Benefit

OPERS members are eligible under the Traditional Plan for one of two disability benefit programs: the original plan or the revised plan. Employees who had contributions on deposit with OPERS on July 29, 1992, had a one-time opportunity to select coverage under either program. General Assembly members who became OPERS members after July 29, 1992, are covered under the revised plan.

OPERS pays disability benefits to a member with at least five years of total service credit who becomes permanently disabled. Under the original plan, a disability application must be filed before age 60 for Group A and B members, and before age 62 for Group C members. The amount of the allowance is based on FAS, years of OPERS service, and the length of time between the effective date of disability retirement and age 60 or 62. The benefit cannot be less than 30% nor exceed 75% of FAS.

The revised plan permits a member to apply at any age. The benefit amount is based on the greater of (1) 45% of FAS or (2) 2.2% of FAS multiplied by years of total service credit, not exceeding 60% of FAS.

Survivor Benefits

The accumulated contributions of an OPERS member under the Traditional Plan who dies before age and service retirement may be paid to a beneficiary or beneficiaries the member has designated on a form provided by OPERS. (Certain events, such as marriage, divorce, or the birth of a child, automatically revoke a previously made designation.) If there is not a designated beneficiary, the beneficiary is determined by succession established by state law.

In lieu of payment of a deceased OPERS member's accumulated contributions, qualified survivors may be eligible to receive monthly survivor benefits. This occurs if, at the time of death, the OPERS member met one of the following qualifications:

- Was eligible for retirement;
- Was receiving a disability benefit; or
- Had at least 18 months of Ohio service credit with three of those 18 months occurring within the two and one-half years immediately before death.

OPERS also provides a lump sum death benefit upon the death of a retiree or disability recipient, the amount of which depends on the length of the member's service.

Retiree Health Care Coverage

OPERS has authority to provide health care coverage for retirees and to establish eligibility requirements for coverage. Any premiums are paid through deductions from the member's retirement benefit.

Withdrawal of Contributions

On leaving public service, a member in the Traditional Plan may withdraw his or her contributions and a limited amount of interest on those contributions; however, the withdrawal will have federal tax consequences.

A member who has at least five years of service credit at the time of withdrawal may also receive a portion of the contributions made by the House or Senate on the member's behalf. Members who withdraw their contributions forfeit entitlement to future benefits.

For more information on the Traditional Plan, visit the OPERS Traditional Plan webpage, available at www.opers.org/members/Traditional/index.shtml.

Reemployed Retirees

An OPERS member under any of the plans is permitted to retire and subsequently be reemployed in a position covered by OPERS or another of Ohio's state retirement systems. However, if the reemployment begins less than two months after the date of retirement, the retiree forfeits the retirement allowance for any month the retiree is employed prior to the expiration of the two-month period.

The Revised Code provides that an elected official who retires and is then elected or appointed to the same office for the remainder of the term or for the next term forfeits the retirement allowance until reemployment terminates. However, the allowance is not forfeited if the official filed a notice of intent to retire with the board of elections at least 90 days before the primary election for the official's current term of office. In a 1982 opinion (82-080), however, the Ohio Attorney General concluded that a member of the General Assembly cannot retire under OPERS between consecutive terms in the General Assembly.

Obtaining Additional Information

For information on OPERS membership, benefits, and service credit, a member of the General Assembly may obtain a copy of the OPERS Member Handbook on the OPERS website (www.opers.org/pubs-archive/members/2019-07-16-Member-Handbook.pdf) or by contacting OPERS at (800) 222-7377. A brochure specifically describing how OPERS impacts elected officials is available at www.opers.org/pubs-archive/leaflets/2019-03-ISL-H-Elected-Officials.pdf. For help choosing a retirement plan, a member may visit the “Selecting Your Retirement Plan” section of the OPERS website (www.opers.org/members/Plan-select/index.shtml).