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Perry's Victory, Rotunda

Chapter 6: Tools for Understanding a Bill

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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title, which is required by the Ohio Constitution, lists the sections of the Revised Code being amended, enacted, or repealed.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. Beginning in the 133rd General Assembly, outright repeals will 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.

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).

Elements of a Bill

As Introduced

133rd General Assembly
Regular Session
2019-2020

S. B. No. 100

Senator OHIO

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.

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:

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~~ sixty 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.

Repeal Clause (for amended sections)

Section 2. That existing section 5748.06 of the Revised Code is hereby repealed.

Repeal Clause (for sections repealed outright)

Section 3. That section 5748.07 of the Revised Code is hereby repealed.

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 two-thirds 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 temporal 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

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 uncodified 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 ("Revised Code," "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, 2011) and tables of numbers, such as the classification tables and pay ranges of state employees, are in numerical form.

law is enacted, it does not appear in underlined form. Yet, when uncodified language that has already been enacted is amended, changes in the text appear stricken through or underlined just as in codified law.

Special Note on Reading Older Bills

Prior to 2001 and the commencement of the 124th General Assembly, bills were drafted in a different style. Instead of appearing in underlined form, new language added to the Revised Code was capitalized. New items that by their nature could not be capitalized, such as numbers and punctuation marks, were underlined if they were preceded or followed by existing language. As with the current bill drafting style, language being deleted from existing law was stricken through with a horizontal line, language in existing law that remained unchanged appeared in lower case letters, and new uncodified law appeared with normal capitalization.

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 uncodified. 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, legislative meeting rooms, the Clerk's office, and the members' lounge. The LSC library also has sets of the Revised Code available for members' use. In addition, an electronic version can be accessed at the Laws link on the General Assembly's website (https://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.

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 three-fifths 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.

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.

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).

Revised Code Numbering

Sec. 5748.081

(1)(2) (3)(4)

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.

3. **Section number**. The 1st and 2nd digits to the **right** of the decimal point.

4. **Supplemental section number**. One or more additional digits to the **right** of the decimal point.

Most statutes that have application throughout the Revised Code, as well as 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

Commercial publishers and other companies offer electronic versions of the Revised Code, along with other legal materials, in a computer-based format that permits key word searching of the text of the statutes. For example, LexisNexis and Westlaw are two online computerized legal services that offer access to the Ohio Revised Code on a fee basis. An unannotated version of the Revised Code called Lawriter is available to the public free of charge at the Laws link on the General Assembly's website (https://www.legislature.ohio.gov/laws/ohio-codes).

Titles of the Ohio Revised Code

General Provisions

1 State Government

3 Counties

5 Townships

7 Municipal Corporations

9 Agriculture-Animals-Fences

11 Financial Institutions

13 Commercial Transactions-Ohio Uniform Commercial Code

15 Conservation of Natural Resources

17 Corporations-Partnerships

19 Courts-Municipal-Mayor's-County

21 Courts-Probate-Juvenile

23 Courts-Common Pleas

25 Courts-Appellate

27 Courts-General Provisions-Special Remedies

29 Crimes-Procedure

31 Domestic Relations-Children

33 Education-Libraries

35 Elections

37 Health-Safety-Morals

39 Insurance

41 Labor and Industry

43 Liquor

45 Motor Vehicles-Aeronautics-Watercraft

47 Occupations-Professions

49 Public Utilities

51 Public Welfare

53 Real Property

55 Roads-Highways-Bridges

57 Taxation

58 Trusts

59 Veterans-Military Affairs

61 Water Supply-Sanitation-Ditches

63 Workforce Development