

The Legislature

A legislature is a body of individuals elected by the people to enact laws on behalf of the citizens. The United States Congress is the federal legislative body, and the Ohio General Assembly is the state legislative body. Local legislative representation in Ohio is dependent on the local government structure. Each level of representation has the power to enact laws that fall within its jurisdiction.

Congress enacts federal laws, and the Ohio General Assembly enacts state laws. The laws enacted by Congress cannot violate the U.S. Constitution, and the Ohio General Assembly cannot pass laws that conflict with the U.S. or Ohio constitutions. In addition to representing citizens, the U.S. Congress and the Ohio General Assembly have the duty to impeach and oust members of the executive branch who have committed certain crimes while in office.

Beyond legislative representation, Ohio citizens have the constitutional right to propose state laws themselves through the initiative process, and to reject laws passed by the legislature through the referendum process. Both are explained starting on page 117.

Representation—Federal

The United States Congress is a bicameral legislature—that is, it comprises two houses or chambers: the U.S. Senate and the U.S. House of Representatives. The 100-member Senate is made up of two senators from each state. The 435 seats in the U.S. House of Representatives are allocated to the states based on their populations as compared to the total U.S. population, but every state is entitled to at least one representative. Congressional seats, also called House seats, are divided among the 50 states after each federal decennial census. In 2010, Ohio’s population entitled it to 16 representatives for the following ten years. This represented a reduction by two representatives, as Ohio’s population grew more slowly in proportion to the population of other states. The next federal census will be conducted in 2020.

Until 2018, the Ohio General Assembly was empowered to draw boundary lines for congressional districts through the regular legislative process. As in many states, the party in power redrew district boundaries to favor the party in elections.

But under pressure from a coalition of organizations, including the League of Women Voters, the legislature agreed to propose an amendment to the Ohio constitution to limit the authority of the ruling party, with the aim of making districts

more competitive and forcing the parties and legislators to be more responsive to voters. Voters approved the amendment in May 2018, with at least 66 percent of the vote in each of the state’s 88 counties.

Under the new system, the legislature will redraw the map, but at least half the members of each political party must approve it. If they fail, a seven-member commission consisting of the governor, state auditor, secretary of state and two legislators from each of the two major parties will be formed. At least two members of each major political party must approve the resulting map.

If they fail, the legislature can approve a map without minority support, but limitations on their ability to redraw districts for political advantage would be imposed and the map would be good for only four years instead of 10. Maps drawn by the legislature can be vetoed by the governor or voted down by referendum. The current congressional district map, established in 2012 by the General Assembly, can be found on page 9.

U.S. senators serve six-year terms, with one-third of the Senate elected every two years. Senators were originally chosen by the state legislatures, but with the passage of the 17th Amendment to the U.S. Constitution, senators are directly elected by the voters. U.S. representatives are elected for two-year terms, all terms running for the same period. Both the senators and the representatives must be residents of the state from which they are chosen. In addition, a senator must be at least 30 years of age and must have been a citizen of the United States for at least nine years; a representative must be at least 25 years of age and must have been a citizen for at least seven years.

Although Ohio voters passed an amendment to the Ohio Constitution to enact term limits for federal- and state-level legislators, the U.S. Supreme Court ruled that term limits on federal-level representation are unconstitutional and voided this provision of the 1992 amendment.

Representation—State

The Ohio General Assembly is also a bicameral legislature, comprising the Ohio House of Representatives and the Ohio Senate. Ohio’s system of determining state legislative representation was changed in the 1960s as a result of historic U.S. Supreme Court decisions. The Court required both houses of bicameral state legislatures to be apportioned on the basis of population alone. Ohio voters approved a state constitutional amendment that established the current method of districting in 1967.

Article XI of the Ohio Constitution establishes 99 districts for the Ohio House of Representatives and 33 districts for the Ohio Senate, based on data from the federal decennial census. Voters elect one candidate to the General Assembly from each district, each of which must be approximately equal in population. Each House member represents about 110,000 Ohioans, and each senator about 330,000.

Ohio's Congressional Districts 2012-2022



Source: Ohio Secretary of State's Office, https://www.sos.state.oh.us/globalassets/publications/maps/2012-2022/congressional_2012-2020_districtmap.pdf

Because districts are drawn according to population, Ohio's urban centers have a larger number of representatives and senators compared to the rural areas. District boundaries are drawn every ten years, following the federal decennial census.

On November 3, 2015, voters in Ohio approved a constitutional amendment to create a bipartisan state legislative redistricting commission. A seven-member Ohio Redistricting Commission is made up of the governor, state auditor, secretary of state, one person appointed by the speaker of the House of Representatives, one person appointed by the legislative leader of the largest political party in the House of which the speaker is not a member, one person appointed by the president of the Ohio Senate and one person appointed by the legislative leader of the largest political party in the Senate of which the president is not a member.

The new commission requires two members from the minority party, versus a single member under the former system. Under the amendment, maps drawn by the commission will be valid for 10 years if at least two commissioners from each of the two largest political parties vote for them. Should the maps be passed along strictly partisan lines, the maps would only be valid for four years. All legislative districts are required to be compact and made of "contiguous territory, and the boundary of each district to be a single non-intersecting continuous line." The amendment forbids district plans from favoring or disfavoring either political party. This will take effect on January 1, 2021. The population among House districts may not vary by more than plus or minus 5 percent. Senate districts are created by combining three contiguous House districts.

The maps on pages 12 and 13 show the current Ohio Senate and House districts established in 2012. These districts will remain in effect until 2022, when the Redistricting Commission will redraw General Assembly districts based on the 2020 census data.

The maps on pages 12 and 13 show the current Ohio Senate and House districts established in 2012. These districts will remain in effect until 2022, when the Redistricting Commission will redraw General Assembly districts based on the 2020 census data.

To be eligible for office in the General Assembly, a person must have resided for one year in the district he or she seeks to represent. Ohio senators are elected for four-year terms, half of the senators every two years. Representatives are elected for two-year terms. In 1992, voters passed an amendment to establish term limits

General Assembly

The term General Assembly refers both to the legislative body as a whole and to the two-year period that consists of two regular sessions that begin in January. The latter usage is usually preceded by a number to help differentiate among various two-year periods. The 133rd General Assembly is in session from 2019 through 2020, the 134th General Assembly will be in session in 2021 through 2022 and so on.

for state level legislators. Members of the Ohio Senate may serve two consecutive four-year terms, and Ohio representatives may serve four consecutive two-year terms. After a waiting period of four years, former General Assembly members may seek reelection to their former office.

Organization of the General Assembly

A new legislative session is assembled every two years, following the November elections. Ohio's Constitution specifies that the General Assembly begin the first regular session on the first Monday of January in odd-numbered years, or on the succeeding day if the first Monday is a legal holiday. The second regular session must begin on the same date the following year. There is no limit to the length of the regular session. During the regular session, the legislature generally meets on Tuesdays, Wednesdays, and Thursdays. Neither chamber may adjourn for more than five days without the other chamber's consent.

The General Assembly Open Meetings Act requires that all committee meetings of the General Assembly are open to the public. Full sessions of either chamber are open to the public as well. The Ohio Constitution, however, allows either chamber of the General Assembly to hold a closed session if two-thirds of the members present feel it necessary.

When the General Assembly is not in session, either the governor or the presiding officers of both chambers acting together may call the legislature into special session by proclamation. The purpose of the special session is limited to the specific issues in the proclamation.

Each chamber of the General Assembly chooses its own officers to preside over the legislative process. Leadership positions exist for majority and minority party legislators. There are different numbers of officers in the House and Senate, bearing different titles, but generally, the functions remain the same across chamber lines.

Once each chamber has convened and selected officers, it draws up the rules it will follow during the coming two-year period. The rules establish procedures by which the members must abide. Each chamber also creates a system of punishment for members found to have disobeyed rules. Punishment can include expulsion from the legislature by a two-thirds vote of the House or Senate members. Each chamber publishes a record of proceedings in its journal.

Finally, each chamber establishes a series of legislative committees to examine legislation more thoroughly and to allow for an open public discussion on the merits of proposed legislation. The leadership in each chamber determines committee membership. The most common committees in the General Assembly are called standing committees and are considered permanent throughout the two-year session. Other temporary committees are established on an as-needed basis, including joint committees, which are made up of members from both the House and the Senate.

Ohio's State Senate Districts 2012-2022



https://www.sos.state.oh.us/globalassets/publications/maps/2012-2022/ohiosenate_2012-2020_districtmap.pdf

Ohio's State House Districts

2012-2022



Source: Ohio Secretary of State's Office, https://www.sos.state.oh.us/globa/assets/publications/maps/2012-2022/ohiohouseofrepresentatives_2012-2020_districtmap.pdf

The standing committees often have subcommittees to hear testimony, amend bills or prepare substitute legislation, and report back to the standing committee with a recommendation. While the number and title of committees may vary from session to session, each chamber generally has standing committees to deal with matters related to agriculture, commerce, education, elections, environment, finance, health, transportation, the judiciary, labor, local government, public utilities, state government, taxation, and human resources. Each chamber has a rules committee, the primary job of which is to schedule bills for debate and/or vote on the floor of the chamber on any particular day. There is also a committee in each chamber responsible for referring bills to committee (see How a Bill Becomes Law on page 18) and eliminating frivolous or duplicate bills.

The political party that has the majority of elected members in each chamber traditionally has political control of the committees, and thus names the chair and receives a majority of the seats on the committee. Each senator and representative serves on several committees.

Procedures of the General Assembly

Once the chambers of the General Assembly have established an organization to begin a new, two-year legislative session, the members can engage in the business of the General Assembly: legislating. There are two types of legislation considered in the General Assembly: bills and resolutions.

A bill is a proposal introduced in the General Assembly that seeks to enact new law, or to amend or repeal existing law. Bills may originate in either house and may be altered, amended, or rejected in the other. No bill may be passed until it has been reproduced and distributed to the members of that chamber. When committee hearings are held on bills, interested people may ask or be asked to testify before the committee either in support of or in opposition to the legislation being considered. This offers an opportunity for an individual or organization to make its wishes known directly to the legislators. After a bill has passed both houses of the General Assembly, it becomes an act, and once the act is signed by the governor and a 90-day waiting period passes, the act becomes law and is inserted into the Ohio Revised Code. Some acts are passed on an emergency basis and become law immediately after the governor signs them. The text below and chart on page 18 illustrate the path a bill must follow to become law in Ohio.

The other type of legislation the General Assembly may consider is called a resolution. Resolutions serve as formal expressions of the opinions and wishes of the General Assembly and do not require approval of the governor. There are three types of resolutions: joint resolutions, concurrent resolutions, and simple resolutions.

Joint resolutions are reserved for matters of great importance to the General Assembly. They are generally used to form joint legislative committees, propose amendments to the Ohio Constitution, petition Congress, and ratify amendments

to the U.S. Constitution. A joint resolution must pass both houses and be filed with the secretary of state. Proposed amendments to the Ohio Constitution are placed on the ballot at the next general election for approval by Ohio's voters. Concurrent resolutions are generally used as statements of policy by the General Assembly to resolve internal procedural matters. Simple resolutions pertain to matters in either the House or the Senate and usually are issued to commemorate a person, group, or event, or to state policy of just one of the chambers.

How Ohio Laws Are Made by the General Assembly

Introduction of a Bill

Ideas for bills come from various sources, including members of the public, interest groups, businesses, state agencies, and legislators. All bills proposed by a legislator must be reviewed by the Legislative Service Commission (LSC) for correct form before being introduced. A professional staff is employed by the LSC to draft bills and provide research services for members of the General Assembly. A bill must be sponsored by at least one legislator in order to be introduced in either house of the General Assembly. Any member of either house may introduce a bill, and that legislator becomes the bill's primary sponsor. Other legislators may sign as cosponsors. The primary sponsor manages the bill throughout the legislative process.

Bills are filed with the legislative clerk, who assigns each a number to be used throughout the legislative process in both houses. House bills are numbered HB 1, HB 2, and so on; Senate bills are SB 1, SB 2, and so on. Bills are introduced on the floor of either chamber when the clerk of the Senate or House reads the titles aloud during a regular session. To become law, the Ohio Constitution requires a bill to have three "considerations" on three different days in each house of the General Assembly. Introduction is the first of the three considerations.

Referral

After introduction, the bill is sent to either the Rules and Reference Committee in the House or the Reference Committee in the Senate, which reviews and normally assigns the bill to a standing committee for testimony, debate, and committee action. The referral of a bill to a committee is the second consideration of the bill.

Committee Hearings and Action

An important part of the legislative process takes place in committee, where the fate of a bill is usually determined. The committee examines and debates the bills assigned to it. Complex or controversial issues are often referred to a subcommittee for more thorough consideration or redrafting. The committee can either begin processing the bill or take no action, which essentially defeats the bill for the remainder of the session. If a committee wishes to take action on a bill, hearings are scheduled. In most cases at least two hearings are held on a bill, one for proponents and one for opponents. The committee may amend, rewrite, or combine

bills based on testimony gathered at public hearings conducted by the committee. The committee then votes either to report the bill favorably for consideration by the entire chamber or to postpone the legislation indefinitely, which defeats the bill. The consent of a majority of the committee members is required to take either action.

Rules Committees

Bills that have been favorably reported out by a standing committee are sent to the rules committee of that chamber. Each rules committee creates a calendar that lists when bills will be considered for debate and a full vote by the entire membership of the House or the Senate. This is important because only bills that are on the calendar can be voted upon. The rules committees have the power to prevent floor action on a bill by never scheduling a bill on the calendar.

Full Chamber Consideration

The bills sent to the entire chamber are given a third consideration, in the order listed on the calendar. The bill's sponsor begins the discussion by giving a review of the bill's purpose and content. Bills are then debated and amended according to the procedures of each chamber. All members present are required to vote unless they have gained permission in advance to abstain due to conflict of interest. The Ohio House votes through an electronic roll call system. The Ohio Senate calls the roll by voice. The bill can be passed, defeated, or postponed until later. To pass, a bill must attain a favorable vote by a simple majority of the membership: 50 votes in the House and 17 in the Senate. Emergency legislation—that is, a bill that contains language that would make it effective immediately upon approval by the governor—requires a two-thirds majority vote. A bill amending the Ohio Constitution requires a three-fifths majority before it can later be put before the voters.

After a bill passes one chamber, it is sent to the other, where it follows a similar procedure. If a bill is modified by the second chamber, it must be returned to the first chamber for approval of the changes. Both houses must approve the same version of the bill.

If the first chamber rejects the modifications, the second chamber may request that a conference committee be established to produce a version that both houses will approve. The conference committee comprises three members from each chamber. Once the committee has produced a compromise bill, both houses must then vote to accept the conference committee version. If the committee cannot reach an agreement acceptable to both houses, the bill is defeated. The legislature's data shows that during the 131st General Assembly, about 25 percent of bills were passed.

The Governor

A bill that has passed both houses is enrolled, printed in final form as an act, and signed by both the speaker of the House and the president of the Senate. The act

is then transmitted to the governor, who has three options he must take within 10 days. If the governor approves, he signs the bill and the act becomes law in 90 days unless otherwise specified in its provisions. Emergency or appropriation measures become effective immediately. If the governor does not approve of the legislation, he or she vetoes and returns the bill to the house of origin with the governor's written objections. Appropriation bills can be vetoed line-by-line, but other types of legislation must be vetoed whole. A three-fifths majority vote is required in both houses to override a veto. The governor's third option is to neither sign nor veto the act by the end of 10 days (excluding Sundays). The act becomes law following the same time lines as if it had been signed.

Legislative Service Commission

The Ohio Legislative Service Commission (LSC) was created by law in 1953, to assist the legislature in a number of ways. The members of the commission, who are legislators, appoint LSC's director. The director is responsible for hiring the LSC staff and ensuring that it provides nonpartisan drafting, fiscal, research, training, and other services to all members of the General Assembly. The LSC staff consists of attorneys, research associates, budget analysts, economists, librarians, and others, and is organized into research, fiscal, support, and administrative divisions. The research staff is divided into groups according to subject matter, while fiscal staff groups generally are organized by agency. A division chief oversees each group and reviews the work of all group members.

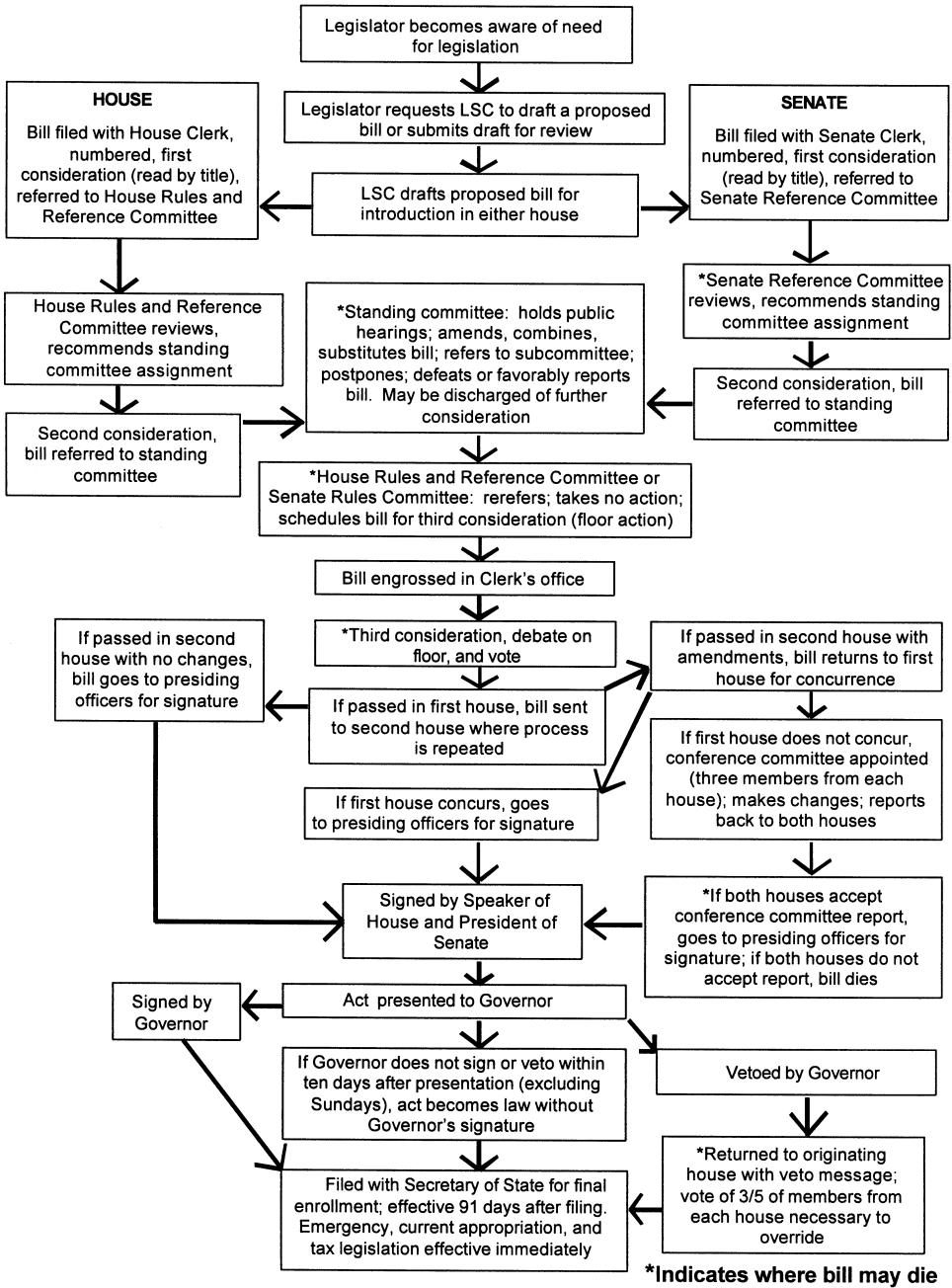
Key services include: drafting legislation, staffing committees, budget and fiscal analysis, legal, fiscal and technical research and drafting honorary resolutions and letters. The LSC staff operates a library that provides services to members of the General Assembly and the general public. Among the major reports staff produces and maintains are bill analyses, budget documents and fiscal notes and local impact statements.

Joint Legislative Ethics Committee/Office of the Legislative Inspector General

The Joint Legislative Ethics Committee (JLEC) was established by the Ohio General Assembly in 1994 to monitor compliance with Ohio's ethics law as it applies to the legislative branch. The committee consists of no more than 12 members, six from each major party and six from each legislative body. JLEC is also responsible for administering Ohio's lobbying laws. State law requires all paid lobbyists, or persons paid full-time or part-time to influence legislation, to register with the JLEC.

Employers of paid lobbyists must also register, and both employers and paid lobbyists must indicate the type of legislation in which they are interested. In Ohio, there is a small fee for registering. JLEC issues a card to lobbyists showing that they

How a Bill Becomes Law in Ohio



Source: Ohio Legislative Service Commission, *A Guidebook for Ohio Legislators, fifteenth edition*, <https://www.lsc.ohio.gov/documents/reference/current/guidebook/chapter5.pdf>

have registered. Volunteer lobbyists and those lobbying on their own behalf need not register. Registered lobbyists are considered to be engaged in influencing legislation when they promote, advocate, or oppose passage, modification, defeat or executive approval or veto of legislation by direct communication with a member of the General Assembly.

The Office of the Legislative Inspector General (OLIG) is the administrative office of the JLEC and is responsible for the actual implementation of the provisions of the ethics and lobbying laws. The OLIG is a non-partisan office with two primary duties: (1) it is the ethics advisory office for Ohio's legislative branch of government; and (2) it is in charge of overseeing lobbyists' compliance with all state level lobbying regulations.

Lobbyists and employers of lobbyists must file lobbying Activity & Expenditure Reports with the Joint Legislative Ethics Committee/Office of the Legislative Inspector General three times annually. Lobbying registrations and reports are available for public review and searches through the JLEC/OLIG Ohio Lobbying Activity Center database. On June 7, 2017, the OLIG identified over \$55,000 in unreported lobbying expenditures for the January – April 2017 reporting period. Knowingly failing to file an Activity & Expenditure Report is a misdemeanor of the fourth degree. OLIG was created by executive order in 1988. In 1990, the General Assembly approved legislation making OLIG permanent.

Joint Committee on Agency Rule Review

The Joint Committee on Agency Rule Review (JCARR) is a joint legislative committee comprising five state senators and five state representatives. JCARR's primary function is to review proposed new, amended, and rescinded rules from over 110 agencies to ensure they do not exceed their rule-making authority granted to them by the General Assembly. The JCARR committee could make a recommendation to invalidate a rule if:

1. The rule exceeds the agency's statutory authority
2. The rule conflicts with an existing rule of that agency or another state agency
3. The rule conflicts with legislative intent
4. The rule-making agency failed to prepare a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission (ORC 127.18)
5. The rule-making agency failed to meet the incorporation by reference standards for a text or other material as stated in ORC sections 121.72, 121.75, or 121.76
6. The rule-making agency failed to demonstrate through the business impact analysis (BIA), the Common Sense Initiative Office (CSI) recommendations and the agency's memorandum of response to the CSI recommendations, that the rule's regulatory intent justifies an adverse impact on business

7. The rule is deemed to be in conflict with the Ohio or U.S. Constitution

Legislative Information Office

The Legislative Information Office was created by the General Assembly in 1973 to assist the public in contacting legislators and obtaining basic legislative information. The office provides information about the status of bills, the schedule of legislative committee hearings, Ohio House agendas and Ohio Senate calendars; assists callers with locating documents and other information available on the legislative website. The office also takes messages for legislators and, if callers do not know their elected officials, will refer them to their legislators. Calls are answered Monday through Friday from 8:30 a.m. to 5 p.m. The telephone number for Columbus-area callers is (614) 466-8842; callers from other areas of Ohio may call toll-free, 1-800-282-0253.

Controlling Board

The Controlling Board provides legislative oversight over certain capital and operating expenditures by state agencies and has approval authority over various other state fiscal activities including:

- Waivers of competitive selection to agencies when an agency's purchases or leases from a specific vendor exceed the amounts specified in law
- Appropriation releases for capital construction projects
- Loans and grants made through the Department of Development
- Loans and subsidies made through the Department of Education to local school districts
- The transfer of appropriation authority between line items within a fund in an agency and increases in appropriation authority in some funds

The Board consists of seven members: the Director of Budget and Management, or designee (the President of the Board), the Chair of the Finance and Appropriations Committee of the House of Representatives, the Chair of the Finance Committee of the Senate, two members of the House appointed by the Speaker of the House, one from the majority party and one from the minority party, two members of the Senate appointed by the President of the Senate, one from the majority party and one from the minority party.

Broadcast Educational Media Commission

The Broadcast Educational Media Commission (BEMC) is an independent agency created to supply public educational broadcasting services, including educational television and radio and radio reading services. The commission consists of fifteen members, eleven of whom are voting members. Nine of the voting members are representatives of the public, three appointed by the governor, three appointed by the house speaker, and three appointed by the senate president. The superintendent of public instruction and the chancellor of the Ohio board of regents are ex

officio voting members. Of the nonvoting members, two are members of the house appointed by the house speaker and two are members of the senate appointed by the senate president.

BEMC's fiber optic backbone distributes the Ohio Channel broadcast signal to local public television stations throughout the state which, in turn, broadcast the signal over the airwaves from broadcast towers. Using live Statehouse and Supreme Court programming supplied by Ohio Government Telecommunications, the Ohio Channel provides coverage of state government issues. From the Statehouse Media Center, the signal is recorded and delivered digitally to BEMC, the central hub for the Ohio Channel's underlying infrastructure.

The Statehouse News Bureau is funded through BEMC and provides coverage of legislation, elections, issues and other activities surrounding the Statehouse to Ohio's public radio and television stations. The Bureau remains the only broadcast outlet dedicated to in-depth coverage of state government news and topics of statewide interest.

Special Committees of the Legislature

In addition to the committees specific to the individual branches of the General Assembly, there are specialized committees created by statute, consisting of members from both the House and the Senate:

Joint Education Oversight Committee	jeoc.ohio.gov
Correctional Institution Inspection Committee	www.ciic.state.oh.us
Joint Medicaid Oversight Committee	www.jmoc.state.oh.us
Ohio Criminal Justice Recodification Committee	ocjrc.legislature.ohio.gov
Sunset Review Committee	sunset.legislature.ohio.gov
Ohio Constitutional Modernization Committee	http://www.ocmc.ohio.gov/ ocmc/home
Tax Expenditure Review Committee	http://www.ohiosenate.gov/committees/ tax-expenditure-review

Standing Committees

of the Senate <https://www.legislature.ohio.gov/committees/senate-committees>
of the House <http://www.ohiohouse.gov/committee/standing-committees>