

# Life History of a Bill in the Ohio Legislature

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## INTRODUCTION

The 99th General Assembly of Ohio will convene in regular session on January 1, 1951. As usual a great many bills will be introduced seeking to make some amendments in our present laws, to repeal others, or to enact some new legislation. All acts of the legislature affect every citizen of the state in some measure, but, of course, individual acts affect certain interested groups more than others. Therefore there is much interest manifested both in favor of and against each bill which is presented and that interest continues until the bill is lost some place along the line or is finally enacted into law. Usually less than a third of the bills introduced are finally enacted into law. The purpose of this paper is to show the steps required to enact a law in our state legislature. This logically will deal first with the preparation of a bill and secondly with the steps necessary for its enactment into law.

### A. PREPARATION OF BILL

Approximately 75% of all bills introduced in the general assembly are drafted by the Legislative Reference Bureau which is a bill-drafting service free to members. The balance of the bills introduced are prepared by private attorneys, organizations, or by the members themselves.

#### *Task of Bill Drafter*

A request by a member for the drafting of a bill may be a simple matter or a very complex one, depending in part on the subject-matter of the request and in part on the completeness of the idea to be incorporated into the bill. Some bills have been carefully worked over in advance by special groups, such as bar associations, organizations of county auditors, professional societies, and the like. These bills ordinarily require only formal corrections. Administration measures are usually found in this same classification. The member introducing a bill may be pledged by campaign promises to introduce a measure on which he is an authority or on which he has definite and detailed ideas. It then becomes the duty of the bill-drafter to incorporate the given ideas into a workable bill, which sometimes requires considerable research and often an investigation into the constitutionality of the proposed bill. Some bills are introduced "by request" of a

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member's constituents. Oftentimes these are difficult to draft because of the vagueness of the idea and too often they do not get the sincere enthusiastic support of their authors.

#### *Essential Parts of a Bill*

All bills, whether long or short, simple or complicated, have certain essential parts prescribed by the constitution, by statute, or by rule. For example, every bill must carry a number, the number of the assembly with the type of session, the name of the author or introducer, title, enacting clause, body of bill divided into sections, and a repealing clause if the purpose of the bill is to amend or repeal an existing law. The space for the number is left blank until the bill is introduced, at which time the clerk assigns it a consecutive number, depending on the order of its introduction. A bill introduced next year would have at the upper left-hand corner the words "99th General Assembly, Regular Session, 1951-1952." Next would follow the name of the author or introducer. The State Constitution requires that "no bill shall contain more than one subject which shall be clearly expressed in its title." It is also a constitutional requirement that a bill have an enacting clause, as follows:

"Be it enacted by the General Assembly of the State of Ohio."

#### *Example of Original Bill*

When the subject matter of the bill is new, and is not already contained in the General Code of Ohio, the title of such a bill might read, for example, as follows:

"A bill to levy and collect taxes on the business of greyhound racing in the State of Ohio; and to provide a penalty for violation thereof."

#### *Example of a Simple Amendment*

When the purpose of the bill is to amend an existing law, already included in the general code, the title of the bill might read thus:

"A bill to amend Section 1398 of the General Code relative to the open season on muskrat in the inland trapping district."

#### *Example of Supplemental Bill*

If the purpose of a bill is to supplement an existing law its title might read:

"A bill to supplement Section 5609 of the General Code by the enactment of supplemental Section 5609-1, relative to the abolishment of taxes on over-valued or assessed real property."

#### *Example of Simple Repeal*

If the bill is designed simply to repeal an existing law, its title might be:

"A bill to repeal Section 13421-23 of the General Code relative to the Criminal syndicalism law."

#### *Body of the Bill*

The aforementioned requirements of a bill, while essential, are preliminary to the real purpose and body of the bill, which is next set forth. The body of a bill is the part which is finally printed into the code of the state and which declares and registers the will of the assembly. A bill may be of any length provided it conforms to the constitutional rule that it shall not contain more than one subject. As a matter of convenience the body of the bill is divided into logical sections of convenient length.

#### *Who May Introduce Bills*

Bills may be introduced by any of the 33 State Senators or of the 135 members of the House of Representatives elected to the State Legislature. Even so-called administration measures must be introduced by a member of the assembly. This requirement is in contrast with the practice in Congress where committees may initiate bills.

#### *When Bills may be Introduced*

The introduction of bills is a regular order of business in the regular session from the time it first convenes at the beginning of each odd-numbered year until the fixed deadline which by rule is usually the second Monday in February.

This deadline does not, however, apply to appropriation bills. Another exception is made by the Joint Rules which permit introduction of bills in either House when permission is given by a three-fifths vote of the elected members. Such permission is rarely asked for or given in the House but is frequently and usually given in the Senate as an act of "Senatorial Courtesy."

#### *Number of Bills Introduced*

Some members do not introduce any bills. Others introduce as many as 50. The total number of bills introduced during the past eight years averages well over 900 at each regular session. 852 bills were introduced three years ago, of which only 245 became law, and 1074 bills were introduced last year at the Regular Session, of which only 293 became law.

#### *Numbering of Sections*

If the subject-matter of a bill is new the sections are consecutively numbered, and if the bill is of the general nature, the sections are later given code section numbers by the Bureau of Code Revision, so as to fit the new law into the code at the proper place. If the purpose is to add a supplemental section to an existing section in the code, the introducer refers to the section to

be supplemented and gives the new section a supplemental section number. If the bill simply repeals existing sections of the code, it mentions them specifically and these sections are eliminated from future printings of the code. If the purpose of the bill is to amend existing sections, all or any part of the section may be eliminated or new matter may be added to any part of the section so long as the matter relates to the general subject contained in the section.

#### *Repealing Clause*

In case an existing law is either amended or repealed the last section of the bill is a repealing clause.

#### *Emergency Measure*

A bill which is intended to take effect immediately after its passage and approval by the governor must contain an emergency clause fully setting forth the reason for such emergency and the title of such a bill must declare that the bill is to be an emergency measure. An emergency measure requires a 2/3 majority vote and takes effect immediately following the approval of the governor, thereby eliminating the 90-day referendum period required for ordinary bills.

### B. ENACTMENT OF LEGISLATION

I have just shown in a summary fashion how bills are prepared and made ready for introduction. Let me now follow the course of such a bill from the time it is introduced in either house of the state legislature until it is enacted into law. While there are slight differences in the procedure in the House and Senate, the essential steps are the same, and I will outline the procedure in the House of Representatives.

#### *First Reading*

The 8th order of business in the House is the introduction of bills. The 88 counties are called in alphabetical order. If a member from Franklin County, for example, desires to introduce a bill he waits until the Clerk calls the name of Franklin County then rises to his feet and offers the bill (6 copies required by rule). A page comes to the member and carries the bill to the desk of the clerk where it is numbered and given its first reading, which is by title only.

#### *Reference of Bill*

After its first reading the bill is sent to the Reference Committee for its consideration and report. The Reference Committee must, within eight legislative days from the time it receives a bill, report the bill back to the House and recommend the proper standing committee to consider the bill. In actual practice the House

Reference Committee, or its chairman acting for the Committee has been more than a sorting committee. It has scrutinized bills as to both form and substance and on one pretext or another has on occasion held up certain bills until the Administration is ready to have them released. Furthermore, the committee wields great influence in being able to steer bills into standing committees which may be known to favor or oppose the bills. The use of a Reference Committee as we have it in Ohio is somewhat unique in parliamentary practice. In the Ohio Senate the presiding officer, on motion of the author, refers all bills to standing committees.

### *Second Reading*

The reading of the bill by title only, together with the report of the Reference Committee, constitutes the second reading of the bill, which is then ordered printed. Within several days thereafter the printed bill is placed on the desk of the members and is available to the public. The chairman of the standing committee to which the bill is referred retains custody of the actual bill and amendments thereto.

### *Hearings by Standing Committees*

There are at present twenty-two standing committees in the House of Representatives, having from five to twenty-five members each. The Senate has nineteen standing committees, the membership ranging from three in the Enrollment Committee to sixteen in the Military Affairs Committee. Certain committees, such as the Judiciary, Taxation and Finance Committees meet regularly each week and several times each week in rooms specifically assigned for use of such committees. Other committees meet only on call of the Chairman in whatever committee room is available at the time.

### *Work of Committees*

The real work of digesting and considering the bill is done in meetings of the standing committees after public hearings and discussions on the merits of the bill. After the committee has made what it considers a sufficient study of the bill, its chairman calls for a vote. On a roll call a majority of the committee membership must vote in favor of a motion to refer the bill out of committee with recommendation for passage. The committee might approve a motion to continue hearings on the bill, or to refer it to a subcommittee for further study. Another common motion is one to postpone indefinitely further consideration of the bill and, such action must be reported to the House and entered upon its journal. The Secretary keeps a record of all amendments and motions offered and of the vote on such amendments and motions. He will also take custody of exhibits and briefs offered to the committee.

The rules require each committee to keep a record of committee attendance and the names of all persons who speak before the committee, with the names of the persons, firms, associations or corporations in whose behalf they appear. Before any committee reports a bill to the House, its chairman must submit it to the Reference Committee and obtain its suggestions as to its form and legal effect. After approval of the bill by the Reference Committee, the Chairman of the Standing Committee makes a report on the same from the floor of the House on the alphabetical call of the committees, either recommending the passage of the bill as originally introduced or as amended by the committee. The bill is then ordered engrossed and is put on the calendar for its third reading, which is the second day following, unless otherwise ordered by a vote of the House.

#### *Joint Committee Meetings*

It is possible and often desirable for similar committees of the House and Senate to meet in joint committee meetings to hear experts speak for and against important measures being considered simultaneously by both houses. This would save time for both the members and the public, since a bill must eventually have the approval of the committees of both houses. However, the holding of joint committee meetings is not common practice because of the difficulties of finding a time when substantially all the members can attend. Both chambers usually meet each Monday evening, Tuesday and Wednesday afternoons and Thursday morning, and no committees may hold meetings during such times. This leaves for regular committee meetings Tuesday morning and evening, and Wednesday morning and evening. Sometimes hearings are set for immediately after a session or for early Thursday morning. Thus it can be readily seen that with the members serving on from two to seven committees, and many of these committees meeting regularly each week, it is difficult and often impossible to work out effective joint committee meetings.

#### *Discharge of Standing Committees*

A committee chairman has considerable discretion in the handling of bills. Sometimes he insists on many meetings covering a long period of time, which makes other members impatient. The house rules provide that a standing committee may be discharged of a bill by a motion supported by four other members, and adopted by a roll call vote in which a majority of all elected members vote to support the motion. This gives control to the majority party leadership. Since committee chairmen are appointed by the speaker and usually work in close cooperation with him and the majority party in control of the house, it is a rare event to dis-

charge a committee of further consideration of a bill and such motions are seldom made.

#### *Calendar Committee*

About March 1st a resolution is offered by the House leadership to designate the Rules Committee to serve as the Calendar Committee, giving it power to arrange the calendar from day to day and to select bills on the basis of their necessity or general interest. Usually the Rules Committee selects about six bills for consideration on the date of the calendar and a similar number for the succeeding legislative day. The Senate Rules provide that the standing committee on rules shall have the power to prescribe the order of business of the Senate and arrange the calendar from day to day. The majority party in each house selects and controls the Rules Committee and thus wields great power over the course of legislation.

#### *Third Reading*

Bills for third reading are taken up and read and disposed of in the order in which they appear on the calendar. The author of a bill is always recognized first to present his bill. If the bill originated in the other house the member selected by the author to handle the bill is recognized and given the opportunity to present the bill. Opportunity is then given any member to speak for or against the bill and to offer amendments. Corrective amendments are usually accepted and adopted without extensive debate. Amendments making substantial changes in a bill are often fully debated before a vote is taken. The person who offers an amendment always makes the first argument in support of his amendment. The author, or sponsor, is then given an opportunity to debate the amendment. If he gives his consent, there is usually little further debate before the vote is taken, but if he opposes the suggested amendment there is often considerable floor discussion and debate. Oftentimes the chairman or a member of the committee which heard and recommended the bill is recognized and asked to comment on the amendment.

#### *Administration Bills*

There are always a certain number of bills which are called administration measures. These are either recommended by the Governor or introduced to carry out certain planks of the platform of the party in control of the House. Usually the majority party caucuses on such bills before they come up for third reading and there is an understanding as to what, if any, amendments will be allowed to be adopted on the floor. Surprise amendments presented by the minority members usually have a difficult time to be adopted unless the majority leader is willing to accept the amend-

ment and gives the signal for favorable action. Because final adoption is ordinarily assured in advance, the prolonged debate usually is made for the benefit of the gallery, press, and constituents of the various members. The members wish to make a record of the various votes on amendments, procedural motions and the final vote on the bill. There is also considerable maneuvering to demand or avoid a record roll call by getting a motion passed or tabled by a voice or standing vote. The minority is given the opportunity to get its case before the House by submitting a list of opposition speakers to the presiding officer and he usually calls on definite proponents and opponents alternately before recognizing other members for general debate or amendments.

#### *Committee of the Whole*

The rules of both houses permit a bill to be referred to the committee of the whole House or Senate, and to fix a time when it shall be considered by the entire body acting as such committee of the whole. The speaker or president will designate a member to serve as Chairman, who will preside and vote as other members. Any amendments made or passed are noted by the clerk and when the matter is later submitted to the House or Senate for action, it will again consider the amendments before voting on the bill as amended. This procedure is not often used in the House but is common practice in the Senate.

#### *Vote on Third Reading*

After the presiding officer is satisfied that no one else desires the floor for debate or amendment, or when the previous question is properly asked for and adopted, the question is then put, "Shall the bill pass?" A roll call vote is taken by the clerk and if the bill receives a constitutional majority it is declared passed as an "act."

#### *Necessity for passage by both Houses*

After a bill has passed the originating house, the next step is its transmission to the other house for introduction in that body. Approximately the same procedure is followed in the second house. If the bill is passed by the second house in exactly the same form as in the first house, it is signed by the speaker of the house and by the President of the Senate and sent to the Governor for his approval or disapproval. If the second house adopts amendments to the bill it is returned to the originating house with the amendments, which if agreed to by the first house, will be sent to the Governor for his approval.

#### *Conference Committee*

If the originating house does not see fit to concur in the amendments of the second house, a conference committee consisting of 3

members from each house is appointed to consider the various amendments and to propose to both houses a bill which will be satisfactory to both. Each house then votes on the conference committee report, the members voting for or against the report. If both agree on the report the effect is the same as passage of a bill in identical form by the two houses and the bill is sent to the Governor. If either house refuses to approve the conference committee report, the bill is dead unless such house requests the appointment of a second conference committee and such request is agreed to by the other house.

#### *Effective Date of Act*

If the Governor approves a bill he signs it and has it filed with the Secretary of State. The bill becomes effective 90 days after such filing unless a referendum vote has been demanded by petitions circulated for that purpose. Emergency measures and acts providing tax levies and appropriations for the current expenses of state government become operative immediately after passage and approval by the Governor.

#### *Veto Power of Governor*

If the Governor does not approve a bill he returns it with his objections noted in a veto message to the house originating the bill. In its proper order the message of the Governor is read and the question is put: "Shall the bill pass notwithstanding the objections of the Governor?" If  $\frac{3}{5}$  of the members elected to that house vote to repass the bill, it is sent with the objections of the Governor to the other house, which may also reconsider the vote on its passage. If  $\frac{3}{5}$  of the members elected to that house vote to repass it, it becomes a law notwithstanding the objections of the Governor. Of course if the vetoed bill is not approved by both houses as just indicated, it does not become a law. If a bill is not returned by the Governor within ten days, Sundays excepted, after being presented to him, it becomes a law in like manner, as if he had signed it. The Governor has the right to disapprove separate items in an appropriation bill, but the assembly may repass such items in the same manner as a vetoed bill.