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# Organizing the General Assembly

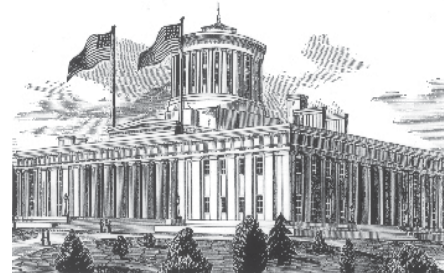


*Photographed by Kristin Rhee, LSC*

House Chamber

## CHAPTER 4

# Organizing the General Assembly



Newly elected legislators formally take office when the General Assembly convenes on the first Monday in January in odd-numbered years (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 following 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 129th General Assembly convened in January 2011.*



Either the Governor or the presiding officers of the General Assembly may convene the General Assembly in special session by issuing a proclamation. Special sessions are called for specified purposes, and, except for providing for session expenses and related matters, no other business may be transacted by the General Assembly during a special session.

The Ohio Constitution requires each house to prescribe its mode of organization, choose its own officers, and generally determine its own rules and procedures. 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 all Senators then 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

### *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 do this as I shall answer to God.*

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 129th General Assembly elected 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 printing and distribution of bills, resolutions, reports, and all other legislative documents. Beginning with the 128th General Assembly, the House has elected a Deputy Clerk and required that the Clerk and Deputy Clerk belong to different political parties. The House also elects a Chief Administrative Officer, who supervises administrative staff other than those assigned to the Clerk and performs various administrative duties.

The Senate hires a Sergeant-at-Arms and the House elects a Sergeant-at-Arms. They 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 Clerk, Deputy Clerk, Chief Administrative Officer, and Sergeant-at-Arms of the House and the Clerk of the Senate serve two-year terms. The Clerks and Sergeants-at Arms must assist in the organization of the next regular 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. Appointed staff serve at the pleasure of the Speaker or President and, except for the Sergeants-at-Arms, are not necessarily present for the beginning of a new General Assembly. For additional information on staff services, see Chapter 9.

## Adopting Rules

At the beginning of the first regular session, both the Senate and the House adopt rules of procedure, which are printed in the appendix to each *Journal*. Although the House of Representatives and the Senate may use slightly different terminology, typically rules 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 online on the General Assembly web site at [www.legislature.state.oh.us/laws.cfm](http://www.legislature.state.oh.us/laws.cfm).

### **Joint Rules**

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). Joint rules also cover such inter-house matters as the membership and procedures of conference committees and joint select committees, procedures for reconsidering legislation vetoed by

the Governor, the drafting and form of bills, notice of action, amendment of bills of the other house, messages, engrossment of bills, signing of bills, and floor privileges for members of the news media. Joint Rules of the General Assembly are available online on the General Assembly web site at [www.legislature.state.oh.us/joinrules.com](http://www.legislature.state.oh.us/joinrules.com). As of March 2011, the 129th General Assembly had not yet adopted joint rules and was operating under the Joint Rules of the previous General Assembly.

## Chambers and Committee Hearing Rooms

The House of Representatives and Senate meet in separate chambers in the Statehouse. At the beginning of the first regular session, the House and Senate assign each standing committee a committee room and schedule the time at which the committee is to hold regular meetings. 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 Senate is the committee system which allows the General Assembly to manage the significant volume of legislation introduced in each house. During the 128th General Assembly, members of the House of Representatives introduced 617 bills and members of the Senate introduced 322 bills. 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 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. Usually, 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. Current House Rules specifically require that committee membership be proportional to the partisan composition of the House. An exception is made for the Finance and Appropriations Committee, for which the chairperson and vice-chairperson are not included when calculating the proportional composition of this committee. Committee assignments for

members generally are based on an individual member's seniority, interests, or subject matter expertise.

The House and Senate Rules also specify that certain members of leadership may serve on or be 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, non-voting members of all House committees except those where they are regular committee members. The Senate President may be substituted as a voting member of any committee. The Senate Minority Leader is an ex-officio, non-voting 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. The chairperson selects the committee secretary (a legislator, not to be confused with the committee's clerical secretary) 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



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



## Standing Committees of the Senate 129th General Assembly

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| <ul style="list-style-type: none"> <li>• Agriculture, Environment, and Natural Resources</li> <li>• Education</li> <li>• Energy and Public Utilities</li> <li>• Finance</li> <li>• Financial Institutions</li> <li>• Government Oversight and Reform</li> <li>• Health, Human Services, and Aging</li> </ul> | <ul style="list-style-type: none"> <li>• Highways and Transportation</li> <li>• Insurance, Commerce, and Labor</li> <li>• Judiciary – Civil Justice</li> <li>• Judiciary – Criminal Justice</li> <li>• Rules and Reference</li> <li>• State and Local Government and Veterans Affairs</li> <li>• Ways and Means and Economic Development</li> </ul> |
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## Standing Committees and Subcommittees of the House of Representatives 129th General Assembly

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| <ul style="list-style-type: none"> <li>• Agriculture and Natural Resources</li> <li>• Commerce and Labor</li> <li>• Criminal Justice</li> <li>• Economic and Small Business Development</li> <li>• Education</li> <li>• Finance and Appropriations             <ul style="list-style-type: none"> <li>–Agriculture and Natural Resources Subcommittee</li> <li>–Health and Human Services Subcommittee</li> <li>–Higher Education Subcommittee</li> <li>–Primary and Secondary Education Subcommittee</li> <li>–Transportation Subcommittee</li> </ul> </li> <li>• Financial Institutions, Housing, and Urban Development</li> </ul> | <ul style="list-style-type: none"> <li>• Health and Aging             <ul style="list-style-type: none"> <li>–Subcommittee on Retirement and Pensions</li> </ul> </li> <li>• Insurance             <ul style="list-style-type: none"> <li>–Subcommittee on Workers’ Compensation</li> </ul> </li> <li>• Judiciary and Ethics</li> <li>• Local Government</li> <li>• Public Utilities</li> <li>• Rules and Reference</li> <li>• State Government and Elections             <ul style="list-style-type: none"> <li>–Subcommittee on Redistricting</li> </ul> </li> <li>• Transportation, Public Safety, and Homeland Security</li> <li>• Veterans Affairs</li> <li>• Ways and Means</li> </ul> |
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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.

#### ***The Standing Committee on Rules and Reference***

The Rules and Reference Committee, while considered to be a standing committee, has different functions 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 responsibility for assigning bills and joint resolutions to a standing committee is delegated to the Rules and Reference Committee in the House and the Senate. 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 Committee on Rules and Reference 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 Committee is to schedule bills for a floor

vote by the full House or Senate. The Senate Rules and Reference Committee prescribes the order of Senate business, arranges the daily legislative Senate *Calendar*, and channels all appointments of the Governor to the appropriate standing committee before they are submitted to the Senate for confirmation. The House Rules and Reference Committee decides which bills and resolutions are on the House *Calendar*.

### ***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 and Appropriations Committee) to consider bills and report directly to the House. For the current General Assembly, the House has three standing subcommittees other than the finance subcommittees. In the past, Senate standing subcommittees have had to report recommendations to the standing committee for consideration by the full committee. Currently, the Senate has no standing 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. Joint rules adopted by the General Assembly dictate the membership and procedures of conference

committees. Chapter 5, Enacting Legislation, 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 bill or resolution or pursuant to the rules to undertake a particular task. The Speaker of the House and 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 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. However, if a bill, joint resolution, or concurrent resolution includes as its main feature an appropriation or a proposal to change the state's existing tax structure, the Joint Rules of the Senate and House specify that it may not be referred to a joint select committee.

### **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.

### **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 is a study committee created by the Legislative Service Commission (LSC) to undertake a study of a given topic designated by the members of the 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 the LSC, members of both houses and both parties are appointed to the study committee by the LSC chairperson. The LSC staff assist 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.

A second 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 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 third 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. Sometimes the committee is authorized to retain private consultants, but more often the resolution or act requires the LSC to furnish staff to the committee or authorizes the committee to call upon the LSC 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 the LSC.

### **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 the LSC include only legislative members. Others include both legislators and nonlegislators among their voting members. Some examples of these are the Capitol 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, the Cultural Facilities Commission, and the Ohio Expositions Commission are just a few of the many entities 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.

## **Ohio’s 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.

### **General Assembly Open Meetings Law**

The General Assembly Open Meetings Law applies to committee meetings of the General Assembly. (The Ohio Constitution requires that the proceedings of each house of the General Assembly itself be open to the public unless two-thirds of those present decide that secrecy is required.)



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



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. “Meeting” means 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 the members of either house of the General Assembly who are members of the same political party.)

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 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 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 specific exclusive remedies for violations of its provisions. First, 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. Second, any person may bring an action 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. Third, if a court issues an injunction, the court 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.

### **Public Records Law**

The Public Records Law generally requires that all public records be promptly prepared and made available for inspection by any person at all reasonable times during regular business hours. Upon request and 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, that is created or received by or comes under the jurisdiction of a public office and serves to document the organization or activities of the office.



*With specified exceptions, all records kept by a public office are open to public inspection and copying.*



The General Assembly and its legislative agencies are public offices subject to the Law's provisions, and their records are 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 the members of the General Assembly are confidential. They include documents provided by members to the staff of LSC and other legislative agencies in the LSC budget group and documents prepared for members by LSC and those other legislative agencies. Confidentiality of information is discussed in more detail in Chapter 9.