
Tools for Understanding a Bill

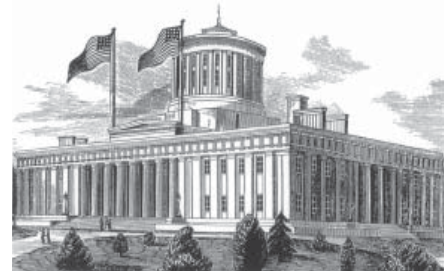


Photographed by Liz Flynn-Vorys, LSC

Christopher Columbus,
Southwest Corner of the State House

CHAPTER 6

Tools for Understanding a Bill



How to Read a Bill

While members of the General Assembly rely on the nonpartisan staff of the Legislative Service Commission (LSC) to draft bills, they 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 any 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, questions relating to the meaning and clarity of the language frequently arise. 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.

The Ohio Constitution requires legislation to be drafted in a specific format. The sample bill on page 68 (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 The title is required by the Ohio Constitution and lists the sections of the Revised Code being amended, enacted, or repealed.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 purpose 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 totally repealed 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 purpose 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 lined through will be deleted from current law. If numerical references and various grammatical symbols, such as commas and periods, are being removed, they also will be stricken through in the bill.

When a section of law is amended, a new section is in effect created. The Ohio Constitution requires the repeal of the former section since it no longer exists. This is true even though much of the language of the section may be unchanged. It is therefore 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 as well as a list of any sections being repealed outright. (An outright repeal of a section means that the section is being completely eliminated.) The sections repealed outright always appear last, regardless of numerical order, and the word “existing” does not precede the word “section.” Note in Section 2 of the sample bill that “existing section 5748.06” is

Elements of a Bill

As Introduced

**128th General Assembly
Regular Session
2009 - 2010**

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.

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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:

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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.

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**REPEAL
CLAUSE**

Section 2. That existing section 5748.06 and section 5748.07 of the Revised Code are hereby repealed.

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being repealed as a result of amendments and that “section 5748.07” is being repealed outright. In a bill that does nothing but repeal outright one or more sections of law, the repeal clause naturally becomes Section 1, rather than Section 2.

In the case of emergency legislation, the reason for the emergency must be set forth in a separate section of the bill. That section must be voted upon 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 under Article II, Section 1c, 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.

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 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

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 totally 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, 2009) and tables of numbers, such as the classification tables and pay ranges of state employees, are in numerical form.*

Controlling Board approval to transfer all such funds, assets, and liabilities to the Department of Natural Resources that have not otherwise been transferred to that Department by this act.

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

Bills for the 123rd and earlier General Assemblies were drafted in a style different from that described above. 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, then, can lead to a better 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 at the receptionists' desks on each floor of the Riffe Center where House members have offices. In the Senate, sets are available in the Senate chambers, legislative meeting rooms, and the members' lounge. The LSC library has sets of the Revised Code available for members' use. In addition, an electronic version can be accessed through the General Assembly's web site on the Internet.

The Revised Code in use today began as House Bill 1 of the 100th General Assembly, the single largest piece of legislation ever enacted

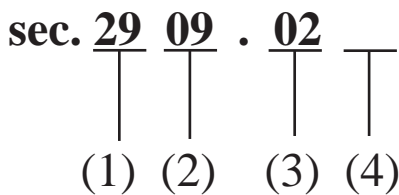
From Bill to Act to Law

1. *A bill becomes an "act" upon completion of action by both houses and signature of the presiding officers. It is then reprinted in a different form, with the addition of the signature page and the words "An Act" replacing the words "A Bill." An act becomes law:*
 - (a) *Upon signature of the Governor;*
 - (b) *If the Governor fails to sign the act or return it with a veto within ten days, excluding Sundays;*
 - (c) *When a Governor's veto is overridden by a three-fifths majority vote of the members of each house.*

2. *Unless a law contains a tax levy, an appropriation for current expenses, or an emergency clause, it becomes effective on the 91st day after being filed with the Secretary of State.*

by the General Assembly. It was 6,780 pages long, contained about 23,000 Code sections, and included about 6,000,000 words. 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 the LSC staff.

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.



(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 section number.

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 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-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

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. The Revised Code's numbering system reflects the three-level structure of its arrangement. 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. Definitions, if special terms are used within a chapter, 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, but there are numerous exceptions, especially in Title 29 (the Criminal Code), Chapter 3599. (offenses and penalties under the Election Law), and Title 45 (the Motor Vehicle, Aeronautics, and Watercraft Laws).

Most statutes that have application throughout the Revised Code, 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).

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.

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.

Commercial publishers and other companies now 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. LexisNexis and Westlaw, on-line computerized legal services, offer access to the Ohio Revised Code on a fee basis. Both major print publishers publish the Ohio Revised Code on CD-ROM. An unannotated version of the Revised Code is available to the public free of charge through a link at the General Assembly's web site (www.legislature.state.oh.us). The site usually indicates when it was last updated.