

LEGISLATIVE BRANCH FUNCTIONS

New Legislative Staff Training
Ohio Legislative Service Commission



ABOUT THIS COURSE

- In this course, you will learn about the legislative powers of the people and the General Assembly, and how the legislature appropriates funds through budget bills and other bills.
- If your employer is tracking your course completion, be sure to click on the course completion link at the end of the course.
- Additional Resources:
 - *A Guidebook for Ohio Legislators*, [Chapter 2 – The Legislative Branch](#) (PDF) and [Chapter 8 – The Ohio Budget Process](#) (PDF)
 - *LSC Members Briefs*, [“Statewide Ballot Issues”](#) (PDF) and [“The Controlling Board”](#) (PDF)
 - [Legal Foundations of the Budget](#) (PDF)



PART 1

LEGISLATIVE POWER OF THE PEOPLE

LEGISLATIVE POWER OF THE PEOPLE

- Citizens may exercise legislative power through the initiative and the referendum.
 - [Ohio Constitution, Article II](#), Sections 1 through 1g
- These powers are subject only to limitations in the Ohio and U.S. Constitutions.



INITIATIVE

- The initiative is the power to propose laws and constitutional amendments.
- A proposal begins with an initiative petition signed by a required number of electors as determined by a formula in the Ohio Constitution.



INITIATED CONSTITUTIONAL AMENDMENTS

- A petition proposing an amendment to the Ohio Constitution requires a higher number of signatures than a petition proposing a statute.
- After the petition is submitted, the issue appears on the ballot at the next general election held at least 125 days after the petition is submitted.
- The amendment must be approved by the voters to become part of the Constitution.

INITIATED STATUTES

After the petitioners gather signatures on a petition proposing a statute, they must submit the proposal to the General Assembly. The legislature has four months to do one of the following:

- Enact the proposal as it was submitted;
- Enact the proposal with changes;
- Defeat the proposal;
- Not take any action on the proposal.

INITIATED STATUTES

- If the petitioners are not satisfied with the General Assembly's work on the proposal, they have 90 days to obtain additional signatures to put it on the ballot.
- If the General Assembly enacted a version of the proposal and the petitioners do not gather enough signatures, the General Assembly's version becomes law.
- If the General Assembly took no action and the petitioners do not gather enough signatures, the proposal dies.

INITIATED STATUTES

- If a proposal makes it to the ballot, Ohio's citizens vote on it at the next general election.
- If approved, the proposal takes effect 30 days after the election and is not subject to the Governor's veto.
- If rejected, the General Assembly's version of the proposal, if any, becomes law.

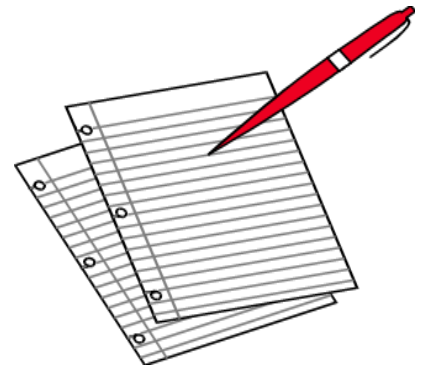


REFERENDUM

- The referendum allows the people to approve or disapprove laws that have recently been enacted by the General Assembly.
- Citizens have 90 days in which to prepare, circulate, and file a referendum petition containing a required number of signatures as determined by a constitutional formula.
- Most laws take effect on the **91st** day after filing with the Secretary of State to allow time for citizens to pursue a referendum if they so choose.

REFERENDUM


- If a valid petition is filed with the Secretary of State, the law in question is submitted to the voters for approval or disapproval.
- The law does not take effect unless it is approved by the voters.




LAWS NOT SUBJECT TO THE REFERENDUM

Certain laws take effect immediately and thus are not subject to the referendum:

- Laws providing for tax levies;
- Appropriations for the current expenses of state government and state institutions; and
- Emergency laws necessary for the immediate preservation of the public peace, health, or safety.
 - Emergency laws require a higher vote threshold to pass.





PART 2
LEGISLATIVE POWER
OF THE GENERAL ASSEMBLY

TYPES OF LEGISLATIVE POWER

The Ohio Constitution grants the General Assembly three types of power:

- Political power;
- Police power; and
- Taxing power.

POLITICAL POWER

- Political power is the authority to enact laws providing for the establishment, organization, and operation of state and local government.
- Examples include laws that:
 - Create and authorize administrative agencies to carry out the work of the executive branch; and
 - Provide for the organization and government of counties and townships.

POLICE POWER

- Police power is the authority to enact laws promoting the public peace, health, safety, and welfare. Most types of laws fall within the police power.
- Examples include laws governing:
 - Crime;
 - Education; and
 - Transportation.



TAXING POWER

- Taxing power is the duty to levy and collect sufficient taxes to:
 - Pay for the operation of state government; and
 - Pay the principal of, and interest on, state debt.



EXERCISES OF LEGISLATIVE AUTHORITY

- The General Assembly exercises its legislative authority in three ways:
 - Enacting bills;
 - Proposing constitutional amendments; and
 - Appropriating revenue from the state treasury.
- For more information about bills and constitutional amendments, see [Course 2 – How a Bill Becomes a Law](#) and [Course 3 – The Ohio Constitution](#).

APPROPRIATING FUNDS

- To appropriate funds means to give a person, such as a state agency, permission to spend certain funds.
- An appropriation by the General Assembly is the only legal basis for disbursing money from the state treasury.
- Under the [Ohio Constitution](#), no appropriation may be for longer than two years, and each appropriation must be specific.

FISCAL YEARS

A fiscal year (FY) is an accounting period of 12 months that does not necessarily run January - December.

Not every unit of government operates on the same fiscal calendar:

- State fiscal year – July 1 - June 30
- Federal fiscal year – October 1 - September 30
- Local fiscal year – usually January 1 - December 31
- School district fiscal year – July 1 - June 30

MAIN OPERATING BUDGET BILL

- In the first year of each General Assembly (the odd-numbered year), the legislature considers and passes an operating budget bill.
- The bill makes appropriations for the next two fiscal years. The legislature must pass a balanced budget to take effect by July 1 because the previous appropriations expire on June 30.
 - For example, in 2023, the General Assembly enacted a budget that made appropriations for state fiscal years 2024 and 2025 (July 1, 2023 – June 30, 2025).

OTHER APPROPRIATIONS BILLS

- Most agency budgets are included in the main operating appropriations bill.
- A few agency budgets are enacted in separate bills:
 - Department of Transportation
 - Bureau of Workers' Compensation
- Appropriations may be included in any bill. For example, a bill might include a supplemental appropriation to fund a new agency program that the bill enacts.
- If a bill makes an appropriation, that fact must be mentioned in its title.

CAPITAL APPROPRIATIONS BILL

- The General Assembly appropriates funds for capital improvements by enacting a capital appropriations bill.
- Capital improvements involve building or renovating public buildings and other facilities and acquiring equipment for them.
- Capital improvements are often financed by issuing bonds.
- This bill is usually enacted in the second year of a General Assembly.



CAPITAL REAPPROPRIATIONS BILL

- Appropriations can only last for two years.
- But, many capital projects take longer than two years to complete, such as new buildings at state universities.
- Through the capital reappropriations bill, the General Assembly reappropriates unspent, unpromised funds for capital projects that were not completed during the period of the original appropriation.

THE CONTROLLING BOARD

The Controlling Board makes important financial decisions about state programs. It has seven members:

- The Director of the Office of Budget and Management (or the Director's designee);
- The chairpersons or vice-chairpersons of the House and Senate Finance committees;
- Two members of the House appointed by the Speaker, one from each political party; and
- Two members of the Senate appointed by the President, one from each political party.

ROLE OF THE CONTROLLING BOARD

The Controlling Board has the authority to:

- Release appropriated funds that require Board approval before release;
- Authorize agencies to make certain purchases without competitive bidding;
- Authorize expenditure of unanticipated revenues; and
- Transfer funds and appropriations within an agency's budget.

Time for a pop quiz!



QUESTION 1

True or False?

A new law proposed by an initiative petition goes directly to the voters.

QUESTION 1 – ANSWER

False.

The General Assembly has four months to act on the proposal if it so chooses.

QUESTION 2

True or False?

A new law proposed by initiative petition and approved by the voters is not subject to the Governor's veto.

QUESTION 2 – ANSWER

True.

If the voters approve a law proposed by initiative petition, the Governor may not veto the law.

QUESTION 3

True or False?

Most laws take effect on the 91st day after they are filed with the Secretary of State to allow time for the people to circulate an initiative petition.

QUESTION 3 – ANSWER

False.

Most laws take effect on the 91st day after they are filed with the Secretary of State to allow time to circulate a referendum petition, not an initiative petition.

A referendum petition puts the law to a vote of the people at the next general election.

QUESTION 4

True or False?

Laws levying a tax are subject to the referendum and do not take effect immediately.

QUESTION 4 – ANSWER

False.

Laws levying a tax, as well as emergency measures and laws making appropriations for current expenses, all take effect immediately and are not subject to the referendum.

QUESTION 5

The General Assembly's legislative power may be categorized as:

1. Political power
2. Police power
3. Taxing power
4. All of the above

QUESTION 5 – ANSWER

#4 is the correct answer

All of the above.

The General Assembly's legislative authority includes political power, police power, and taxing power.

QUESTION 6

The General Assembly must pass a balanced main operating budget bill in time to take effect by what date in an odd-numbered year?

QUESTION 6 – ANSWER

July 1.

July 1 is the first day of the new fiscal year. The appropriations from the previous main operating budget act expire on June 30.

QUESTION 7

New appropriations for buildings or renovations at state institutions are enacted in the _____ bill.

1. Bureau of Workers' Compensation budget
2. Main operating budget
3. Capital reappropriations
4. Capital appropriations

QUESTION 7 – ANSWER

#4 is the correct answer

Capital appropriations.

The capital appropriations bill includes new appropriations for the acquisitions, construction, or renovation of or equipment for buildings and other facilities of state agencies.

QUESTION 8

The main operating budget bill is in effect for a period of _____ fiscal year(s).

1. One
2. Two
3. Three
4. Four

QUESTION 8 – ANSWER

#2 is the correct answer

Two.

The main operating budget bill is in effect for a period of two fiscal years.

The Ohio Constitution specifies that no appropriation may be made for a period longer than two years.

QUESTION 9

True or False?

Budget bills are the only bills that may have appropriations.

QUESTION 9 – ANSWER

False.

Budget bills are not the only bills that may have appropriations.

For example, a bill that creates a new state agency might include an appropriation to fund the agency's operations.

THANK YOU FOR COMPLETING THIS COURSE.

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- Email Training@lsc.ohio.gov if you have any questions or comments about this course