1985

The Legislative Process: An Action Handbook for Ohio Citizens' Groups

Ralph Brody
Marcie Goodman
Joseph Ferrante
Federation for Community Planning

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by Ralph Brody, Marcie Goodman, Joseph Ferrante
Federation for Community Planning
The Legislative Process: An Action Handbook for Ohio Citizens' Groups

Ralph Brody • Marcie Goodman • Joseph Ferrante

Federation for Community Planning
Cleveland, Ohio
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Preface</th>
<th>vii</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgements</td>
<td>ix</td>
</tr>
<tr>
<td>Introduction</td>
<td>xi</td>
</tr>
</tbody>
</table>

## Chapter One: The Executive and The Legislative Branches
- The Executive Branch
  - The Governor | 1 |
  - The Lieutenant Governor | 2 |
  - The Secretary of State | 2 |
  - The Auditor of State | 2 |
  - The Treasurer of State | 2 |
  - The State Attorney General | 2 |
  - The State Departments | 2 |
- The Organization Of The Legislative Branch
  - Apportionment | 3 |
  - Membership and Leadership | 5 |
    - Committees
      - Subject-Matter Standing Committees | 5 |
      - Reference Committees | 5 |
      - Rules Committees | 5 |
      - Select Committees | 5 |
      - Joint Committees | 6 |
      - Conference Committees | 6 |
- The Procedure Of The Legislative Branch
  - Pre-Session Activities | 6 |
  - Sessions | 6 |
- Keeping Current on the Legislative Process
  - The Calendar | 7 |
  - The Journal | 7 |
  - The Bulletin | 8 |
  - The LSC Status Sheet | 8 |
- Legislators
  - Socio-Economic Characteristics | 8 |
  - Political Motivations | 8 |
  - Role Orientations | 8 |
  - Responsibilities | 8 |
  - Expectations | 9 |
  - Factors They Consider in Voting | 9 |
  - Salaries and Travel Allowances | 10 |
  - Assistance They Receive | 10 |
- Notes | 10 |

## Chapter Two: Legislation and The General Assembly
- Types Of Legislation | 13 |
- Resolutions | 13 |
  - Joint Resolutions | 13 |
  - Concurrent Resolutions | 13 |
  - Simple Resolutions | 14 |
- Bills | 14 |
- Sources of Ideas for Bills | 14 |
- Drafting Bills | 14 |
- Involving Opponents | 15 |
- Limiting the Scope of a Bill | 15 |
- Creating Intentional Vagueness | 15 |
- Writing Half Bills | 15 |
- Reading Bills | 15 |
- Title | 15 |
- Style Clause | 16 |
- Section 1 | 16 |
- Section 2 | 17 |
- Section 3 | 17 |
- Provisions of Temporary Law | 17 |
- Bills and the Ohio Revised Code | 17 |
- The Flow Of Legislation | 18 |
- Preparation of a Bill for Introduction | 18 |
- Action by the First Chamber | 19 |
  - Introduction and First Consideration
    - in the House | 19 |
    - in the Senate | 19 |
- A Deadline for Introduction | 19 |
- Numbering and Abbreviating Bills | 19 |
- Second Consideration in the House | 19 |
- Second Consideration in the Senate | 20 |
- Standing Committees | 20 |
- The Rules Committee | 20 |
- Action by the Second Chamber | 22 |
- Action by the Governor | 23 |
- Notes | 25 |

## Chapter Three: The State Budgetary Process
- The State Budget | 27 |
- Taxing And Spending In Ohio | 27 |
- Preparing The Budget | 28 |
  - The Budgetary Process and
    - the Administration | 28 |
  - The Budgetary Process and
    - the Legislature | 31 |
  - House/Senate Concurrence | 31 |
  - The Budgetary Process and the Governor | 32 |
- Some Questions About The Budgetary Process | 33 |
- What is the Primary Source of State Legislative Funds for Human Services? | 33 |
- Can the Budgetary Process Be Modified? | 33 |
- Can Additional Funds Be Obtained After the Appropriations Bill Passes? | 33 |
- Does the State Have a "Rainy Day" Fund? | 34 |
- How is Revenue Income Estimated? | 34 |
- Does the General Assembly Have Discretionary Power to Enact New Programs? | 35 |
- What is the Role of the Controlling Board? | 35 |
- Strategies To Consider | 35 |
- Meet With Administrators and Legislators Early | 35 |
<table>
<thead>
<tr>
<th>CHAPTER FOUR: THE BLOCK GRANT PROCESS</th>
<th>CHAPTER SIX: IMPLEMENTING LEGISLATIVE ADVOCACY</th>
</tr>
</thead>
<tbody>
<tr>
<td>What Are Block Grants? .................. 39</td>
<td>Types Of Legislative Advocacy: Formal And Grassroots 65</td>
</tr>
<tr>
<td>What Are The Strengths And Weaknesses Of Block Grants? 40</td>
<td>Formal Legislative Advocacy And Meeting With Legislators 66</td>
</tr>
<tr>
<td>What Should Citizens' Groups Know About Ohio Block Grants? 40</td>
<td>Deciding Who to Meet 66</td>
</tr>
<tr>
<td>Ohio Block Grants 40</td>
<td>Deciding Where to Meet 66</td>
</tr>
<tr>
<td>Federal and State Requirements 41</td>
<td>Deciding When to Meet 67</td>
</tr>
<tr>
<td>Decision-Making Settings 47</td>
<td>Preparing for the Meeting 67</td>
</tr>
<tr>
<td>Basic Steps of Policy Development 50</td>
<td>Making the Presentation 67</td>
</tr>
<tr>
<td>How Can Block Grant Policy Be Influenced? 51</td>
<td>Developing Continuing Relationships 68</td>
</tr>
<tr>
<td>Building Coalitions 51</td>
<td>Recognizing What the Legislator Has to Gain 68</td>
</tr>
<tr>
<td>Negotiating Positions 53</td>
<td>Working With the Legislator’s Staff 69</td>
</tr>
<tr>
<td>Tips for Block Grant Advocacy 55</td>
<td>Formal Legislative Advocacy And The Legislative Process 69</td>
</tr>
<tr>
<td>Notes 56</td>
<td>Sponsorship 69</td>
</tr>
<tr>
<td>CHAPTER FIVE: PREPARING FOR LEGISLATIVE ADVOCACY</td>
<td>Political Philosophy 69</td>
</tr>
<tr>
<td>The Role Of A Legislative Advocate 57</td>
<td>Party Affiliation 69</td>
</tr>
<tr>
<td>How To Carry Out Legislative Advocacy Effectively 57</td>
<td>Seniority 69</td>
</tr>
<tr>
<td>Coalitions 58</td>
<td>Committee Membership 69</td>
</tr>
<tr>
<td>Negotiation and Compromise 58</td>
<td>Other Legislative Responsibilities 70</td>
</tr>
<tr>
<td>Cumulative Efforts 58</td>
<td>How Many Sponsors 70</td>
</tr>
<tr>
<td>The Overall Advocacy Strategy 58</td>
<td>Your Sponsor’s Commitment 70</td>
</tr>
<tr>
<td>How To Help Your Citizens’ Group 59</td>
<td>Advocacy at the Point of Introduction 70</td>
</tr>
<tr>
<td>Establish a Legislative/Government Affairs Committee 59</td>
<td>Advocacy and the Reference Committee 70</td>
</tr>
<tr>
<td>Establish Ad-Hoc Committees 59</td>
<td>Advocacy and the Standing Committee 70</td>
</tr>
<tr>
<td>Form a Coalition 59</td>
<td>The Committee Members 71</td>
</tr>
<tr>
<td>Who Should Belong 59</td>
<td>Influential Forces 71</td>
</tr>
<tr>
<td>Some Rules of the Game 59</td>
<td>Plan of Action 71</td>
</tr>
<tr>
<td>Management 60</td>
<td>Public Hearings 71</td>
</tr>
<tr>
<td>Keep Members Involved 60</td>
<td>Amendments 73</td>
</tr>
<tr>
<td>Useful Resources And Publications 60</td>
<td>Advocacy and the Rules Committee 73</td>
</tr>
<tr>
<td>Resources 60</td>
<td>Advocacy in the First Chamber 73</td>
</tr>
<tr>
<td>Publications 61</td>
<td>Advocacy in the Second Chamber 73</td>
</tr>
<tr>
<td>Notes 63</td>
<td>Advocacy and the Governor 74</td>
</tr>
<tr>
<td>Other Aspects Of Formal Legislative Advocacy</td>
<td>Grassroots Legislative Advocacy And Meeting With Legislators 75</td>
</tr>
<tr>
<td>Legislative Advocacy 75</td>
<td>Arranging Personal Visits 75</td>
</tr>
<tr>
<td>Influencing Both Chambers Simultaneously 75</td>
<td>Inviting Legislators to Meet With the Group 76</td>
</tr>
<tr>
<td>Defensive Advocacy 75</td>
<td>Grassroots Legislative Advocacy Activities 77</td>
</tr>
<tr>
<td>Perseverance 75</td>
<td>Letter-Writing Campaigns 77</td>
</tr>
<tr>
<td>The Format and Content of the Letter 77</td>
<td>Getting Citizens to Write 78</td>
</tr>
<tr>
<td>Telegram Campaigns 78</td>
<td>Telephone Campaigns 78</td>
</tr>
<tr>
<td>Petition-Signing Campaigns 79</td>
<td>Election Campaign Assistance 79</td>
</tr>
<tr>
<td>Appeals to the Public-At-Large 79</td>
<td>Notes 81</td>
</tr>
</tbody>
</table>
This Handbook was prompted by an experience that made us acutely aware of the importance of knowing the legislative process more intimately to have an impact on it: A committee of the Federation for Community Planning, consisting of people who were seemingly aware of the legislative process, was trying to determine how it could influence the state legislature to provide more funds for human services. Suddenly, one member turned to another and said, "We would have a much greater chance of success if only we had known that the best time to influence legislators was four months ago. Now it's almost too late."

"If only we had known..." This refrain is often expressed by people actively involved in the legislative review and advocacy efforts of the Federation and other citizens' groups. This Handbook is intended to improve their knowledge by helping them to understand both the formal legislative process and the many informal patterns that influence it.

In writing the Handbook, we have drawn upon our own experiences, the writing of others, and, most importantly, the wealth of experience and wisdom of those who are deeply involved in the legislative process: legislators, legislative advocates, professional lobbyists, public officials, and representatives of citizens' groups. Their insights have been invaluable.

This Handbook is addressed to the thousands of citizens who at one time or another will be involved in influencing the legislative process. Fully aware that the development, review, revision, and advocacy of human services legislation can be both heartening and frustrating experiences, we hope that we have provided the kind of information that will enhance the effectiveness of your citizens' group in the legislative process.

We have endeavored to provide a comprehensive look at the legislative process. Although our concentration has been on state legislation in Ohio, certain principles can be applied to other states and to the local and national legislative processes. We have purposely focused on Ohio, however, because of our interest in understanding our own state's legislative process.

The response to the two previous editions of the Handbook has been very positive. This third edition is in response to the continuing requests from citizens to become knowledgeable about their state legislature. Each chapter has been modified to reflect changes in the legislative process. Because block grants are a major new vehicle for distributing federal funds in health and human services, a chapter has been added on this subject.

Although the Handbook can be read sequentially, some people may wish to select those chapters or topics that are pertinent to their particular situation. Each unit is self-contained, and cross references are indicated for those wishing a fuller explanation of ideas.

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Marcie Goodman
Joseph Ferrante
ACKNOWLEDGEMENTS

We acknowledge, with appreciation, the following individuals who devoted their invaluable time and expertise to the third edition of this Handbook:

Reggie Boyd
Executive Assistant
Office of Community Services
Ohio Department of Development

Cynthia Burnell
Government Relations Assistant
Ohio Citizens’ Council

Kathleen K. Darling
Legislative Aide to Representative William E. Hinig

Jay Dascenzo
Former Government Relations Assistant
Ohio Citizens’ Council

Judy Donner
Former Assistant Director
Job Training Partnership Act
Ohio Bureau of Employment Services

Clifford G. Eckstrand
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Office of Community Services
Ohio Department of Development

Matthew V. Filipic
Legislative Budget Officer
Ohio Legislative Budget Committee and Office

Jack Frech
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Athens County Department of Human Services

Thane Griffin
Executive Director
Ohio Citizens’ Council

Terry Grundy
Government Relations Director
Community Chest and Council of Greater Cincinnati Area

Dr. Thomas J. Halpin
Chief
Bureau of Preventive Medicine
Ohio Department of Health

Robert Harbron
Program Analyst
Bureau of Planning and Analysis
Ohio Department of Human Services

Ann Harnish
Administrator
Division of Maternal and Child Health
Ohio Department of Health

Representative William E. Hinig
Ohio House of Representatives
97th House District

Ted Katz
Assistant Director
Job Training Partnership Act
Ohio Bureau of Employment Services

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Vice President for Human Relations
TRW

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Ohio Department of Mental Health

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Ohio Department of Human Services

Fred B. Puckett
Director
Legislative Service Commission

Mark Real
Director
Children’s Defense Fund-Ohio

Shirley Rhodes
Field Director
Ohio Citizens’ Council

Richard Sheridan
Director
Fiscal Future Services of the Urban Center
College of Urban Affairs
Cleveland State University
In addition, we are grateful for the information and consultation provided by the following people for the first and second editions of the Handbook:

Kwegyir Aggrey, Former Director, Ohio State Department of Public Welfare; Virginia Aveni, Former State Representative; Robert Baker, Former Ohio Budget Director; Charles A. Beard, Former Planning Associate, Federation for Community Planning; Rose Ann Benson, Former Chief of Public Assistance, Ohio State Department of Public Welfare; Judith Tieman Bird, Associate Director, Ohio Citizens’ Council; William Brochner, Exempt Organizations, United States Internal Revenue Service; Arthur V. N. Brooks, Former State Representative; Gayle Channing, Former Legislative Coordinator, Greater Cleveland Interchurch Council; Don Duhigg, Former Chief, Division of Social Services, Ohio State Department of Public Welfare; Jeff Finkle, Former Legislative Liaison, Ohio State Department of Mental Health and Mental Retardation; Tina Gordon, Consumer Advocate, Ohio Association for Retarded Citizens; Jan Heffner, Former Assistant to the Director, Ohio State Department of Mental Health and Mental Retardation; Troy Lee James, State Representative; William Keip, Former Director, Office of Budget and Management; Charles F. Kurfess, Former State Representative; James J. Lardie, Executive Director, Institute for Child Advocacy; Harry J. Lehman, Former State Representative; Donald E. Lukens, State Senator; John Timothy Mc

Cormack, Former State Senator; John McElroy, Former Consultant to the Governor on Inter-Governmental Fiscal Relations; Mike Miller, Former Legislative Liaison, Ohio State Department of Mental Health and Mental Retardation; Peter O’Grady, Government and Public Relations Consultant; Mary Ann Orlinsky, Former Administrator for Ohio Rules Codification, Legislative Reference Bureau; Norma Ringler, Former Chairperson of Welfare Planning, League of Women Voters of Ohio; Myrl H. Shoemaker, Former State Representative; John Sweeney, Former State Representative; Patrick A. Sweeney, State Representative; George D. Tablack, Former State Representative; Lee Walker, Former Director, Legislative Reference Bureau; Jay Westbrook, Former Cleveland Program Director, Ohio Public Interest Campaign; William Wilkins, Former Director, Ohio Department of Administrative Services.

We also appreciate the support of Ann Ford, President of the Federation for Community Planning, and the early contributions of Richard Chesteen, co-author of the first and second editions of the Handbook.

Finally, we wish to thank the following Federation staff for their assistance: Rose Alexander, Edna Anderle, Rosie Black, Jan Blank, Fred Markowitz, Carmen Munoz, Darthena Reed, and Gautam Yadama. Special thanks go to Roslyn Bucy for her editorial assistance.
INTRODUCTION:  
CITIZENS' GROUPS  
AND THE  
LEGISLATIVE PROCESS

Individuals often come together to form organizations to improve their lives and the lives of those who are vulnerable in their communities. Sometimes these groups are identified as “special interest” groups because they work to promote the goals of a special constituency. Sometimes they are identified as “public interest” groups because they strive to advance the public health and welfare. Because the distinction is often blurred — public interest groups do not always represent the public interest and special interest groups can represent the public interest — the term “citizens’ groups” is used in this Handbook to refer to both special and public interest groups.

Citizens’ groups are usually attracted to the legislative process because they are interested in legislation — in creating it themselves, in preventing others from creating it, and in getting exceptions made to those laws that are now well established.

In approaching the legislative process, citizens’ groups will inexorably become involved in legislative advocacy. Legislative advocacy is any form of communication that is made with the intent of influencing a legislative decision. It occurs whenever an official, legislator, legislative staff member, or other influential force in the legislative process can be addressed with facts, logic, opinions, suggestions, or requests.

This Handbook uses the term “legislative advocacy” rather than the term “lobbying” to avoid the stigma that is sometimes, though perhaps not rightfully so, attached to the latter term and to avoid being bound by the legal restrictions of the latter term. Thus, legislative advocates are defined as those persons who, on behalf of citizens’ groups, pursue activities with the ultimate aim of influencing the legislature. Lobbyists are defined as those persons who also intend to influence the legislature but must register and report on their spending under the terms of federal and state lobbying regulations.

One of the greatest struggles for citizens’ groups within the legislative process is getting a proposal recognized by a legislator. Lawmakers tend to take the past and build upon it, making legislative modifications where necessary. They infrequently make bold breaks with the past. Thus, sudden and major shifts in legislative issues are rare. Also, since the legislative process is often clogged with issues from previous sessions, it is difficult for new issues to gain recognition. Still, it is not impossible for a citizens’ group to achieve recognition of a legislative proposal. In Preparation and American Politics: The Dynamics of Agenda Building, authors Robert W. Cobb and Charles D. Elder suggest the following requirements for gaining recognition:

- widespread public attention or at least awareness of the matter,
- a shared concern among a sizeable portion of the public that some type of action is required,
- a shared perception that the matter is an appropriate concern of some governmental unit.

In achieving these requirements, a citizens’ group must try to define its proposal in nontechnical and simple language, relate the significance of its proposal to as many individuals as possible, relate the proposed issue to the future, and show that the proposed action has clear precedence in past decisions.

Of course, even if a proposal is recognized as being worthy by some legislators, there is no guarantee that it will be taken up for serious consideration. For one thing, the legislature tends to recognize many more issues than it can possibly deal with at any one time. Proposals compete with each other in the legislative arena. For another thing, while one might wish that the process of selecting issues for consideration reflects rational planning, setting priorities on issues, and public demand, it is often subjective and highly political. The fact is that some groups have greater ability to influence legislation than others. Because of more money and staff, greater public esteem and stature, the ability to offer political awards to decision makers, a larger membership, the ability to demonstrate greater internal cohesion of purpose, or greater means for rallying public support, some groups may be better able to pursue their goals than others.

This Handbook is intended to provide citizens’ groups with the knowledge, the benefits of experience, the skills, and the techniques that people have used to guide their legislative proposals through the maze of the political process.
THE EXECUTIVE AND LEGISLATIVE BRANCHES

Chapter 1

THE EXECUTIVE BRANCH

The six elected officials in the executive branch of the Ohio state government are the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and State Attorney General. These elected officials all serve four-year terms. They are elected on the first Tuesday after the first Monday in November and begin their terms on the second Monday of the January following the election.

In addition to these elected officials, the executive branch includes all state activities that are neither legislative nor judicial in character, state departments that are responsible for administering state policy, and numerous boards, commissions, and authorities.

THE GOVERNOR

As provided by the Ohio Constitution and statutes, the Governor holds the highest powers of the state. Because these powers are so broad, only those powers most relevant to the legislative process are highlighted below:

- As the supreme executive power of the state, the Governor is responsible for seeing that the state laws are faithfully executed.
- The Governor has the power of appointments. With the advice and consent of the Senate, the Governor appoints the directors of the state departments (excluded is the Department of Education). The Governor also appoints, at times with the advice and consent of the Senate, the heads of the department divisions and the members of boards and commissions.
- The Governor supervises and controls state expenditures. Within four weeks of the start of a new biennium, the Governor submits to the General Assembly a state budget with a complete financial plan for the biennial session.
- Within ten days (Sundays excluded) after receiving an act (a bill that has been passed by both chambers of the legislature), the Governor has the power to either sign the act into law, veto the act in the hopes of preventing it from becoming law, or not take any action on the act and allow it to become law without the Governor's signature.
- The Ohio Constitution requires the Governor to communicate to the legislature the condition of the state. The Governor may also recommend measures to the legislature.
- The Governor may convene the General Assembly, by proclamation, in a special session. The proclamation must state the purpose for which the special session is called. Business beyond that stated in the proclamation and in subsequent public proclamations or messages cannot be carried out during a special session.
THE SECRETARY OF STATE

The Secretary of State’s duties are chiefly administrative, the most important of which is to serve as the chief election officer of the state. Of the Secretary of State’s numerous other functions, those most relevant to the legislative process are as follows:

- The Secretary of State must see that constitutional amendments proposed by the General Assembly are advertised in the newspapers of the state.
- If a constitutional amendment is proposed by initiative petition, the Secretary of State must mail pamphlets containing copies of the proposed amendment, as well as arguments for and against it, to the voters of the state (for more information on the initiative petition, refer to Chapter Eight).
- Pamphlets concerning any proposed constitutional changes already passed by the General Assembly and subjected to the referendum must be distributed by the Secretary of State to the voters (for more information on the referendum refer to Chapter Eight).
- The Secretary of State is the official custodian of all laws passed by the General Assembly and of the official journal of each chamber.
- The Secretary of State receives all signed acts, including those vetoed by the Governor.
- Ohio laws are compiled, printed, and distributed by the Secretary of State.
- The Secretary of State publishes the biennial official roster of federal, state, and county officers, township and municipal officers, and Ohio election statistics.
- Some of the administrative rules and regulations of the state departments, boards, and commissions are filed with the Secretary of State.

THE AUDITOR OF STATE

The Auditor of State is the chief accounting officer of the state government and is the auditor for all units of state and local government. The Auditor is required to keep a complete and accurate accounting of all state revenues and expenditures, thus providing an ongoing record of the state’s financial condition. An independent audit of the Auditor of State’s office is required every two years.

THE TREASURER OF STATE

The responsibilities of the Treasurer of State are twofold. First, the Treasurer must collect all money due to the state. Second, the Treasurer must make the payments on all debts contracted by the state, as issued in warrants by the Auditor.

THE STATE ATTORNEY GENERAL

The State Attorney General is the chief legal officer of Ohio. The Attorney General’s office represents the state in all civil and criminal cases before the Supreme Court of Ohio and appears on behalf of the state in any court hearing in which the state is either a party or directly interested. Through its regularly assigned assistant attorney generals, the Office of the Attorney General provides legal counsel to all elected and appointed state officers, as well as to all state departments, commissions, and the General Assembly.

Another function of the Attorney General is to provide formal and informal opinions on questions of Ohio law at the request of either chamber of the General Assembly or other state and local officials. Albert H. Rose, in Ohio Government, defines the legal weight they carry as follows:

It is a general rule of law that while the opinions of the Attorney General may be persuasive, they are not conclusive or binding, and the recipient of them is free to follow or not as he chooses. Consequently a public officer is neither justified in a particular act nor shielded from its legal consequences by a written opinion of the Attorney General upholding the legality thereof.

THE STATE DEPARTMENTS

The state departments carry out the laws enacted by the General Assembly. Except for the Superintendent of Public Instruction (the head of the Department of Edu-
cations. To purchase the book, write to the League of Women Voters of Ohio, 65 South Fourth Street, Columbus, Ohio 43215 (614-469-1505). Information on the departments can also be obtained by contacting the departments.

The State Departments

Adjutant General
Administrative Services
Aging
Agriculture
Office of Budget and Management
Commerce
Development
Education
Bureau of Employment Services
Environmental Protection Agency
Health
Highway Safety
Human Services
Industrial Relations
Insurance
Liquor Control
Mental Health
Mental Retardation and Developmental Disabilities
Natural Resources
Rehabilitation and Corrections
Taxation
Transportation
Bureau of Workers' Compensation
Youth Services

THE ORGANIZATION OF THE LEGISLATIVE BRANCH

The General Assembly, as determined by the Legislative Article (Article II) of the Ohio Constitution, is the basic law-making organization or legislature of Ohio. It is defined as a bicameral legislature because it consists of two legislative chambers—the Senate and House of Representatives—with separate procedures, membership, and leadership.

The apportionment, membership, leadership, and committees of the General Assembly constitute the basis of the organization of the legislature.

APPORTIONMENT

Ohio's system of determining the district divisions for its state legislative representation was changed in the mid-sixties as a result of the United States Supreme Court decisions requiring both chambers of bicameral state legislatures to be apportioned on the basis of population alone. A constitutional amendment defining Ohio's current method of districting was approved by voters in November 1967.

Article XI of the Ohio Constitution provides for a House of Representatives composed of 99 members and a Senate composed of 33 members. All members of the House and Senate are elected from single-member districts of approximately equal population. District boundaries are established every ten years following the federal decennial census (e.g., 1971, 1981, 1991). The decisions are made by an Apportionment Board composed of the Governor, Auditor of State, Secretary of State, and one member from each of the major political parties as selected by their respective legislative leaders.

The Apportionment Board must follow the guidelines spelled out in Article XI. For instance, each district must be compact, contiguous, and bound by a single, nonintersecting, continuous line. There may be no more than a plus or minus five percent population variance among the districts. Counties are to remain intact where possible. When a district cannot be formed from a whole county or counties, it can be formed by combining counties, townships, municipalities, and city wards. Senate districts are composed of three contiguous House districts.

The following maps show the boundary lines for the Ohio House and Senate districts established by the Apportionment Board in 1981 for the decade. A constitutional amendment to change the method of drawing both legislative and congressional boundaries, proposed by initiative petition, was defeated by voters in 1981.

Because one party will normally dominate the Apportionment Board, legislative apportionment—even with its specified guidelines—can and does become an important political struggle. The outcome of the apportionment may determine which political party will dominate the General Assembly for the next ten years. As a result, the political parties, individual legislators, district constituencies, and various citizens' groups will be concerned about what the Apportionment Board decides. Because the political affiliations of the Governor, Auditor of State, and Secretary of State can determine which party will have a majority of the Apportionment Board, the state general election closest to preceding the decennial census acquires special political significance.
MEMBERSHIP AND LEADERSHIP

The 33 Senators of the General Assembly serve four-year terms and are elected on an alternating basis so that half of the Senate is elected every two years. The 99 Representatives serve two-year terms and are elected each even-numbered year.

A vacancy in either chamber is filled by appointment. Members of the chamber with a vacancy who are of the same political party as the member whose seat is vacated make the appointment by a majority vote on a resolution. All appointees must meet the qualifications for legislative office as stated in the Ohio Constitution and in the laws of the state. If a vacancy occurs during the first twenty months of a Senator’s term, the appointment to replace that Senator is temporary and expires after the general election of the next odd-numbered year. During that election the voters of the district elect a person for the remaining portion of the term.

Each chamber selects its own leaders. In the Senate, the leadership for the majority party can include the President of the Senate, President Pro Tem, Assistant President Pro Tem, Majority Floor Leader, and Majority Whip. The Senate leadership for the minority party can include the Minority Floor Leader, Minority Leader, Assistant Minority Leader, and Minority Whip. In the House of Representatives, the leadership for the majority party can include the Speaker of the House, Speaker Pro Tem, Majority Floor Leader, Assistant Majority Floor Leader, and Majority Whip. The House leadership for the minority party can include the Minority Leader, Assistant Minority Leader, and Minority Whip.

COMMITTEES

Most of the work of the General Assembly is accomplished through standing committees, which are the permanent committees in each chamber. The kinds of standing committees are subject-matter committees, the Reference Committees, and the Rules Committees. The Reference and Rules Committees are procedural standing committees.

In addition to its permanent standing committees, the legislature functions through time-limited committees. These include select committees, joint committees, and conference committees.

Subject-Matter Standing Committees

Subject-matter standing committees consider legislation before it goes to a floor vote. The subject-matter standing committees of the Senate usually have about nine members. Those of the House usually have 15 to 20 members. While the number and title of committees may vary from session to session, each chamber generally has committees to deal with matters related to agriculture, commerce, education, elections, environment, finance, health, human resources, justice, labor, local government, public utilities, state government, taxation, and transportation. Special committees in each chamber determine what committees are necessary for a given session. In both chambers, committee assignments are generally made according to the individual member’s interests, qualifications, party affiliation, seniority, and relationship with the leadership. Generally, legislators serve on at least two committees.

The chairperson of each committee is the first-named majority party member appointed to the committee. This person holds power over the operation of the committee by determining which bills before the committee will be given a public hearing, the agenda for each committee meeting, and other matters pertaining to the consideration of bills. Minority party representation on subject-matter standing committees is governed by custom in both chambers and generally corresponds to the proportion of the minority party in the total membership.

Beyond full subject-matter standing committees, the work of the legislature may be further divided through the use of subcommittees. These committees may be permanent sections of subject-matter standing committees or ad hoc subcommittees appointed to deal with particular bills. Sometimes subcommittees are used as repositories for bills that standing committees and their chairpersons do not want to deal with. But most often subcommittees hear testimony, redraft legislation, and develop compromises when necessary before a bill is submitted to the full committee and then to the floor. Subcommittees usually consist of three to five members.

Reference Committees

The House and Senate Reference Committees receive their respective chamber’s bills after the bills have been introduced. The Reference Committees review the bills for substance and possible duplication. Normally they then assign each bill to a standing committee for further consideration. Note that in certain bienniums the Senate Rules Committee carries out the reference function.

Rules Committees

A bill that has been favorably reported back to the House or Senate by a standing committee is sent to the Rules Committee of that chamber. The Rules Committee selects the bills for floor action on any given day, placing it on the Calendar for floor debate.

In the House, the Speaker (or someone appointed by the Speaker) chairs the Rules Committee. In the Senate, the Rules Committee is chaired by the President of the Senate.

Select Committees

Either chamber of the legislature may create a select committee to undertake a particular legislative task. The members of the committee are appointed by the presiding officers of the chamber that creates it (or both
chambers it is created jointly). Once a select committee makes its report to the parent chamber(s) it is disbanded, unless it is renewed by subsequent action of the chamber(s).

Joint Committees

Joint committees are standing committees of both chambers that meet together in joint session to hear testimony simultaneously to facilitate the progress of a bill.

Conference Committees

Conference committees are special joint committees created to consider and resolve points of difference between legislation passed in different forms by each chamber; they amend measures to achieve compromise. Conference committees contain three members from each chamber.

THE PROCEDURE OF THE LEGISLATIVE BRANCH

The procedure of the General Assembly is governed by rules—formal procedural requirements, chamber-adopted rules of procedure, and joint rules adopted by both chambers. The formal procedural requirements regulating the legislature are written in the Ohio Constitution. The chamber-adopted rules of procedure are those rules accepted by each chamber at the start of the first session of the biennium. These rules cover numerous procedures, such as the order of business in each chamber. The joint rules adopted by both chambers apply when members from both chambers are officially acting together (e.g., during a convention of both chambers to hear the Governor’s State of the State Address or in conference committees).

PRE-SESSION ACTIVITIES

The legislative procedure of the General Assembly begins even before the first day of the first session of the biennium with pre-session activities and orientation meetings.

Pre-session activities in the House include the informal submission of bills to the House Clerk during and after the last week in the November before a regular session commences. In the Senate, where the submission of bills is not allowed until the session convenes, pre-session activities include the granting of Senate requests for research and bill drafting by the Legislative Service Commission any time after the November election.

Orientation meetings provide new legislators with information on legislative rules and procedures as well as on current problems and issues being faced by the legislature.

SESSIONS

The legislative sessions of the General Assembly are referred to as the first regular session, convening on the first Monday of January in odd-numbered years (or on the succeeding day if the first Monday is a legal holiday), and the second regular session, convening on the same date in the following year. Together they constitute a biennium or two-year legislative period. Although there is no limit on the length of the regular session each year, the first session normally runs through July while the second session is usually shorter. Bills may be carried over from the first to the second session since the second session is a continuation of the first. But bills may not be carried over from the end of a second session to the first session in a new biennium; they must be reintroduced as new legislation.

The convening of the General Assembly on the first day of the first session of the biennium is a separate procedure in each chamber. During regular sessions, the House and Senate usually meet on Tuesdays, Wednesdays, and Thursdays. Either chamber may alter its meeting times, and this frequently happens as members opt for greater flexibility when the General Assembly approaches a long recess or adjournment.

In both chambers, the few days following the opening of the session are spent selecting officers and other officials, adopting rules, organizing committees, making committee membership and leadership selections, and usually receiving the Governor’s State of the State Address, which contains the Governor’s proposals and goals. Also at this time the majority party within each chamber may choose the location of its desks within the chamber. If the seating follows tradition, the members of the Republican Party will choose to be seated to the right of the presiding officer in each chamber and the members of the Democratic Party to the left.

On any day a quorum to do business in either chamber consists of a majority of all the members elected to that chamber. If a quorum is not present, the chamber in question may direct its sergeant-at-arms to force the attendance of those absent. Any absentee who is not excused by fellow members is liable for all expenses incurred in producing that person’s attendance. Legislative business other than the actual voting on legislation, such as debate, may be pursued in a chamber without the presence of a quorum. Unless a legislator calls for a quorum, the members present in the chamber proceed as if there is one, but a vote cannot be taken.

Beyond the regular meeting sessions of the General Assembly, under extreme circumstances either the Governor or the presiding officers of the Senate and House acting together may convene the legislature in a special session. To do so a proclamation stating the business to be transacted is required. No other business may be carried on in a special session beyond that specified in the initial proclamation or in subsequent public procla-
Typical Orders Of Business In The Senate And The House

SENATE
1. Reading and approving of the Journal
2. Reports of select committees and bills for second consideration
3. Reports of standing committees
4. House amendments to Senate bills and resolutions
5. Resolutions laid over
6. Bills for third consideration
7. Introduction and first consideration of bills
8. Offering of resolutions

HOUSE
1. Reading and approving of the Journal
2. Consideration of Senate amendments
3. Bills for third consideration
4. Introduction of bills
5. Reports of standing and select committees and bills for second consideration
6. Motions and resolutions
7. Announcement of committee meetings

motions issued during the special session.

While in session, the General Assembly functions on the basis of its powers of state law-making and of organizing and conducting its own business. These powers are subject only to the confines of the Ohio or United States Constitutions, either expressly or by clear implication.

Throughout a legislative session either chamber may adjourn from day to day, but without the consent of the other, neither chamber may adjourn for more than five days (Sundays excluded). Should the two chambers disagree over the length of time of adjournment, the Governor can adjourn the General Assembly for however long the Governor feels is proper. The Governor cannot, however, adjourn the General Assembly beyond the time of the next regular session as specified in the Ohio Constitution.

KEEPING CURRENT ON THE LEGISLATIVE PROCESS

So much occurs in each legislative session that it is nearly impossible for legislators to keep current on it all. Fortunately, publications are available throughout the session to aid the legislators. Of these publications, the four major ones are the daily Calendar, the daily Journal, the Bulletin, and the Legislative Service Commission’s Status Sheet.

The Calendar
As traditionally required by the joint rules, on a daily basis the Clerk of each chamber prints and places on each member’s desk the Calendar of that chamber. In both the Senate and the House, the Calendar contains the agenda for the day, a listing of all bills favorably reported from standing committees, bills for floor consideration, special orders of the day, and other matters or information relating to the activities of the chamber. The House Calendar contains announcements of committee meetings and a listing of the bills to be considered in those meetings (committee announcements for the Senate are posted on a blackboard in the rear of the Senate).

In the lay-out of each Calendar there is a notable black line. Bills listed below the line are those recommended for passage by standing committees but not yet scheduled for floor consideration. Bills remain listed below the black line until they are scheduled for floor consideration, at which time they are moved above the black line to become part of the daily agenda. The scheduling of legislation on each Calendar for floor consideration is done by the Rules Committee of each chamber.

The Journal
In addition to the Calendar, each legislator is provided with a daily Journal. This document is a printed copy of the previous legislative day’s minutes. It is cumulatively arranged in a binder on each member’s desk. Besides the minutes, incorporated into each Journal are roll call votes, copies of printed resolutions, committee reports, amendments made on the floor, and messages from the other chamber.

Throughout the legislative session the Journal serves
as a daily record of legislative activities. At the end of the second session, upon being printed and bound in a permanent volume, it serves as a record of an entire biennium.

The Bulletin

Traditionally a responsibility of the Senate Clerk, the Bulletin is a periodic publication containing the sponsors, subject, history, and short description of each bill and resolution introduced. It is normally distributed every two to three months throughout the session in the form of a numerically ordered, catalogue listing of legislation. The Bulletin contains House and Senate sections, and in the back of each section there is a listing of the members of the particular chamber and the legislation they sponsored or co-sponsored. The Bulletin also contains a listing of Ohio Constitution and Ohio Revised Code sections affected by bills as well as a subject-matter index.

The Bulletin is keyed to the Journal, which means that for any action taken on a piece of legislation as reported in the Bulletin there is a reference to the date and page of the Journal containing the record of that action.

The LSC Status Sheet

The Bulletin, due to its periodic publication, does not contain an up-to-date listing of the status of legislation. Thus, it leaves a gap in the information available to legislators. To fill this gap, the Legislative Service Commission publishes a weekly Status Sheet when the General Assembly is in session. This summarizes all legislative action taken on all bills and joint resolutions up through the preceding week of Status Sheet publication.

LEGISLATORS

In working with Ohio's 132 state legislators (33 Senators and 99 Representatives), citizens' groups should be aware of the following aspects about the legislators:

- socio-economic characteristics,
- political motivations,
- role orientations,
- responsibilities,
- factors they consider in voting,
- salaries and travel allowances.

In addition, citizens' groups should be familiar with the assistance that legislators receive.

SOCIO-ECONOMIC CHARACTERISTICS

In approaching the General Assembly, a citizens' group should carefully analyze the membership to better understand the socio-economic characteristics that could influence legislators' individual and/or group behavior. The Ohio Truck Times Government Directory provides this type of information about legislators. The Directory can be purchased from the Ohio Trucking Association, Suite 1111, 50 West Broad Street, Columbus, Ohio 43215 (614-221-5375).

POLITICAL MOTIVATIONS

Legislators do not arrive at the state capitol by accident. Each of them chooses to enter a political contest that may often require a considerable sacrifice in personal time, money, energy, and privacy. They each have their own reasons for seeking office, and it is highly probable that these reasons somewhat determine how they react to legislation. Consequently, any group seeking to influence legislators should attempt to understand what motivates them.

ROLE ORIENTATIONS

Political scientists tend to classify legislators into certain roles on the basis of their political behavior. These roles are usually delineated by specific terms and definitions. Such terms and definitions are not presented in this Handbook since that would oversimplify human nature, which is complicated and difficult to categorize. Also, individuals fit into more than one behavior pattern. Thus, it can only be suggested that a citizens' group make its own determinations in analyzing how legislators they deal with approach their jobs of being legislators. For example, does the legislator represent what the legislator feels is best, what the legislator's constituents feel is best, or the legislator's party's position? Does the legislator concentrate on the preparation of new legislation or on the procedural aspects of existing legislation? Does the legislator appreciate or act negatively toward citizens' group input into the legislative process?

RESPONSIBILITIES

The responsibilities of legislators are extensive. It would be impossible to mention all of them here, so only those that might be of greatest significance to citizens' groups are highlighted.

It is the responsibility of all legislators to do the following:

- prepare and legislate a program derived from a variety of sources, including their districts, their political party, state agencies, citizens' groups, and the committees on which they serve;
- determine the need for new legislation through the study of the problems of their districts and the state;
- initiate research through staff and committees and request the preparation of bills and amendments;
develop support for their proposals and lend support to or oppose programs of other legislators;
review the daily Calendar, the daily Journal, and the Bulletin to keep informed on bills scheduled for hearings and floor action;
attend sessions, take part in debate, and vote on business before their chamber;
exercise legislative oversight of the administration and the state budget through committee hearings, personal contacts, review of reports, and investigation of complaints;
respond to correspondence and telephone calls from their constituents;
inform constituents on the progress of legislation and on their position on specific bills and, in turn, keep informed of the opinions of their constituents, political parties, and citizens' groups;
attend committee meetings and hearings, both in Columbus and elsewhere in the state, to become informed on the details of proposals and the arguments for and against them, and to vote on their submission to the members of the parent chamber;
act as a liaison between their districts and state and federal agencies, providing personal assistance to their constituents in handling their problems;
assume an active role in their districts by serving on committees and attending and speaking at civic organization meetings;
serve on departmental advisory committees;
play an active role in their political parties by attending and participating in party caucuses, meetings of a specialized nature, and general conventions;
take part in ceremonial local and state functions.

EXPECTATIONS
There are certain expectations that legislators should uphold in performing their legislative responsibilities. Although these expectations are unwritten and may vary from legislature to legislature and from time to time, they are always present to some degree. Among the most common expectations legislators are supposed to adhere to are the following:

**Legislative Work**—Legislators are expected to perform their legislative responsibilities conscientiously.

**Specialization**—Legislators are expected to concentrate their energies in a limited number of areas so they can become highly knowledgeable.

**Institutional Patriotism**—Legislators are expected to respect the legislature and contribute to its esteem.

**Party Loyalty**—Legislators are expected to be loyal to their political party when an issue arises in which the caucus asserts a party position. To stray is excusable only if the legislator’s constituency is antagonistic to the caucus position or if the legislator is already on record on the other side of the issue.

**Reciprocity**—Legislators are expected to help one another, despite geographic and ideological differences.

**Interpersonal Courtesy**—Legislators are expected to separate personalities from issues and to keep personal animosities to a minimum.

Legislators who violate the above expectations may be subject to various sanctions by their colleagues that can considerably weaken the legislators’ effectiveness. For example, they may find that their bills are indefinitely delayed in committee. Therefore, citizens’ groups should be cautious about urging a legislator into a position of violating an expectation.

FACTORS THEY CONSIDER IN VOTING
The factors legislators consider in deciding how to vote on legislation vary from issue to issue, with some factors being more important on some issues rather than others. Some of the most common factors that legislators base their voting decisions on include the following:

**Constituents’ Views**—In many instances, for many legislators, the single most influential factor in deciding how to vote on a bill is the wishes of their constituents. Most legislators take the views of their constituents very seriously—particularly the best organized and most vocal elements—and they will try to reflect those views as often and as accurately as they can.

**Political Consequences**—Before casting their votes, legislators may consider the political consequences of the votes (e.g., the extent to which their votes will help or hurt during their next election campaign).

**Personal Philosophy**—Many legislators have their own philosophies about most social problems, and in many cases their positions on legislation will be largely influenced by those philosophies.

**The Bill’s Effectiveness**—Legislators usually consider whether a bill can actually achieve its goal (whether it can work) and what its full and perhaps unintended consequences will be. In some cases, legislators will agree with a bill’s objective and have no political problem supporting it, and yet they will vote against the bill because they believe it will have undesirable consequences that outweigh the good the bill can do.
Fiscal Implications—Legislators are conscious of the resentment most citizens feel about their taxes and of the fact that the state government never has enough money to do everything it would like. Therefore, legislators are always concerned about what any given bill will cost, and they may oppose a bill solely because of its fiscal implications, even though they otherwise fully support it.

Constitutionality—Many legislators consider the constitutionality of a bill before voting on it because they take their oath to uphold the constitution seriously. Also, they realize that if a bill they pass is subsequently struck down by the courts as unconstitutional, there may remain to be no law on a subject that was previously un governed or there may be an inappropriate law on a governed subject.

Personal Considerations—Legislators consider who the sponsors are for the bills they vote on (for more information on sponsorship, refer to Chapter Six). Legislators also consider what positions are being taken on a bill by the different political parties.

Organized Support or Opposition—Before voting, legislators consider the nature and identity of those who support and oppose a bill—c itizens' groups, government agencies, public officials, community leaders, and the media.

Floor Debate—As stressed by one legislative advocate, “Nothing is for sure until they vote on it.” Up until the end of the floor debate some legislators still may be considering how to vote. The course of the floor debate may influence some votes.

SALARIES AND TRAVEL ALLOWANCES

According to the Ohio Constitution, members of the General Assembly receive a fixed compensation, as determined by law. Beginning in 1985 the annual base pay of the members of the Senate and House is $30,152. They may not receive any other allowance or perquisite (something to be gained from one’s employment over and above one’s salary) except for their travel allowance, and they may not receive any reimbursement for personal expenses incurred while attending sessions.

Regarding their travel allowances, members are entitled to an allowance for travel once a week to and from Columbus by the most direct route from their place of residence. The allowance rate is determined by each chamber at the beginning of the session.

Although members may not be reimbursed for personal expenses during their stay in Columbus when the General Assembly is in session, they may be reimbursed for travel, meals, and lodging when they represent the legislature in some official capacity at recognized conventions, conferences, and special events and when they are required to travel in conjunction with study committees appointed by the Legislative Service Commission.

Many legislators make great financial sacrifices to devote almost full time to being representatives. Consequently, many legislators retain or seek out other means of income. Knowledge of a legislator’s income sources can be of considerable value to a citizens’ group in understanding the positions a legislator may take.

ASSISTANCE THEY RECEIVE

Most of the professional assistance legislators receive comes from the Offices of the Executive Secretary and Legislative Clerk of the House, the Office of the Clerk of the Senate, the Legislative Service Commission (LSC) and the Legislative Budget Office (LBO). In addition, services are provided to legislators by secretaries, administrative or legislative aides, legislative pages, special clerks, sergeants-at-arms, and bill room clerks.

The LSC is made up of the Speaker of the House of Representatives, six members of the House appointed by the Speaker, the President of the Senate, and six members of the Senate appointed by the President. No more than four members from each chamber may be of the same political party.

In addition, a professional staff is employed by the LSC that includes a director and research professionals. The staff is responsible for drafting bills as requested by legislators, serving as staff for standing committees, preparing analyses of bills, and codifying laws.

Between legislative sessions the LSC carries out long-range research projects, either on its own initiative or as a result of resolutions adopted by either or both chambers of the legislature. Such projects are the responsibility of a specially named committee of legislators, at least one of whom must also be a member of the LSC. Staff members are assigned to work with each project. Sometimes public meetings are held so that the committee and staff can have the benefit of testimony and information from interested parties. Staff research reports are published, and the committee presents its findings and recommendations to the legislature.

The services provided to legislators by the LBO pertain to fiscal matters. Created in 1973 by a resolution of the LSC and placed under the control of the 12-member bipartisan Legislative Budget Committee of the LSC, the professionally staffed LBO prepares appropriations and other fiscal bills, analyzes budget proposals, and estimates the fiscal effects of legislation. Specialized libraries are maintained by the LSC and the LBO.

CHAPTER ONE: NOTES

The content of this chapter is based on information from the following sources:
League of Women Voters of Ohio, *Know Your Ohio Government* (Columbus, Ohio: 1983).
LEGISLATION AND THE GENERAL ASSEMBLY

Chapter 2

TYPES OF LEGISLATION

In The American Legislative Process — Congress and the States, William J. Keele and Morris S. Ogul emphasize that the tremendous growth of all levels of government has resulted in a constantly expanding variety of laws that govern us:

Legislation covers an immense ground; virtually any stray idea can gain some kind of hearing among legislators; virtually any proposal stands something of a chance of finding legislative expression. The instability of legislation differs only in degree from the instability of fashion and public taste. No statute is likely to settle a matter for all time; at best it can only temporarily conclude a problem. In all probability, subsequent legislatures will undo the statute, rework it, perhaps remove it altogether.

At the state level, legislative output usually takes the form of either resolutions or bills. These two forms of legislation are described below.

RESOLUTIONS

Resolutions are mostly formal expressions of the opinions and wishes of the General Assembly. They deal with nonstatutory matters, and their use by the legislature is usually a matter of custom or tradition.

JOINT RESOLUTIONS

Joint resolutions follow the legislative procedure of a bill and are printed in bill form. Although they do not require the approval of the Governor, joint resolutions must pass both chambers, be enrolled, receive the signatures of the officers of both chambers, and be filed with the Secretary of State.

Joint resolutions normally concern matters of great importance to the General Assembly, such as the formation of joint legislative committees, the proposal of amendments for the Ohio Constitution, the ratification of amendments to the United States Constitution, or the recognition of a special person, group, or event.

CONCURRENT RESOLUTIONS

Like joint resolutions, concurrent resolutions originate in one chamber and are concurred in another, thus being adopted by both. Unlike joint resolutions, however, concurrent resolutions need not be enrolled or filed with the Secretary of State.

Concurrent resolutions do not have the legal impact of joint resolutions; they are more commonly used as a means of expressing opinion. Concurrent resolutions are used in joint procedural matters and any other matters of interest to both chambers, as well as in the adjournment of the General Assembly or in the commendation of persons, groups, or special events.
SIMPLE RESOLUTIONS

Simple resolutions are the formal expressions of the opinions and wishes of one chamber of the General Assembly. The intentions of simple resolutions could be achieved by motions, but the resolutions are used for greater formality.

Simple resolutions generally concern the housekeeping duties of a body — committee organization, rule formation, appointment decisions, investigations, and employee authorization and hiring. They may also commemorate a person or event, authorize a study, or congratulate a person or group.

<table>
<thead>
<tr>
<th>Legislative Abbreviations</th>
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<tr>
<td>References to legislation are usually abbreviated, as indicated by the following list:</td>
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<tr>
<td>H.B. — House Bill</td>
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<tr>
<td>S.B. — Senate Bill</td>
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<tr>
<td>H.R. — House Resolution</td>
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<td>S.R. — Senate Resolution</td>
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<td>H.J.R. — House Joint Resolution</td>
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<td>S.J.R. — Senate Joint Resolution</td>
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<td>H.Con.R. — House Concurrent Resolution</td>
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<td>S.Con.R. — Senate Concurrent Resolution</td>
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<td>Am.H.B. — Amended House Bill</td>
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<td>Am.S.B. — Amended Senate Bill</td>
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<td>Sub.H.B. — Substitute House Bill</td>
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<td>Sub.S.B. — Substitute Senate Bill</td>
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<td>Am.Sub.H.B. — Amended Substitute House Bill</td>
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<td>Am.Sub.S.B. — Amended Substitute Senate Bill</td>
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BILLS

Bills are the most common form of legislation. Basic to the legislative process, bills are the instruments by which the General Assembly enacts new laws and amends or repeals old laws.

SOURCES OF IDEAS FOR BILLS

Although ideas for bills are usually created by the administration or by legislators, citizens’ groups can also create ideas for bills. The process tends to be more difficult for them, however, due to a lack of experience and accessibility. Still, citizens’ groups can acquire skills in creating ideas for legislation by looking at existing legislation or by considering others’ ideas.

An efficient mechanism for obtaining existing legislation is through plagiarism, so to speak. Legislation that works well in one jurisdiction may be useful elsewhere. Through contacts with out-of-state organizations similar to its own, a citizens’ group can become aware of legislative proposals that might be submitted in Ohio.

Another mechanism for obtaining existing legislation is through the National Conference of Commissioners on Uniform State Laws, located at 645 North Michigan Avenue, Chicago, Illinois 60611 (312-321-9710). Composed of lawyers, judges, and professors appointed by the governors to represent various states, the Conference regularly supplies legislators with significant bills in the form of proposed model acts.

Other ways of obtaining existing legislation are through the Council of State Governments, located at Iron Works Pike, P.O. Box 11910, Lexington, Kentucky 40578 (606-252-2291); the American Law Institute, located at 4025 Chestnut Street, Philadelphia, Pennsylvania 19104 (215-243-1600); and the American Bar Association, located at 750 North Lakeshore Drive, Chicago, Illinois 60611 (312-988-5000), which supply model acts.

All of these resources should be explored by anyone facing a problem that needs a legislative solution. A review of existing legislation can be a time- and energy-saving device. Even if what exists is not exactly what is needed, it is usually easier to edit and revise rather than to start from scratch.

If the legislative solution to a problem does not already exist, then a citizens’ group may have to rely on other citizens’ groups, public officials, agency staff, special task forces of the Legislative Service Commission (LSC), knowledgeable citizens, or legislators for ideas.

Regardless of who does the writing, when creativity occurs it should be nurtured and preserved. One legislator describes an unusual experience in preserving an important legislative idea that eventually became state law:

A number of years ago a group of individuals concerned about hard-to-place adoptable children came to my store to discuss the issue. In the course of our discussion an idea was created: as an incentive for adoption, have the state pay for these children’s medical and social services even after they are adopted. The idea was too vital to lose. It had to be written down, but there was nothing to write on except a brown paper bag. So we used the bag to record our brainstorming. It was that very bag which I turned into the Legislative Service Commission for further drafting attention. The writing on that bag became a bill and passed the legislature.

DRAFTING BILLS

Once a citizens’ group has developed an idea for legislation it usually must find a legislator to take the idea to
the Legislative Service Commission to be written up in proper bill form. The citizens’ group can work with the legislator and review the drafts and revisions that follow. Sometimes, however, a citizens’ group may take it upon itself to draft the entire bill. For those groups requiring complete information on drafting bills, the primary resource to turn to is the Legislative Service Commission’s Bill Drafting Manual. This can be obtained from the Legislative Service Commission, State House, Columbus, Ohio 43215 (614-466-3615).

As soon as existing state statutes have been examined and court decisions concerning the first draft of a bill are viewed, the writer should realize that the work will probably be rewritten several times. The writer might rely on the first draft of a similar piece of legislation to use as an example. If possible, the writer should try to obtain the volunteer services of an attorney in drafting the legislation.

The writer should view the bill as a collection of separate parts, with the easiest provisions being drafted first. Usually the easiest sections to draft are the most powerful sections — those that state the rule of law to be imposed, the mission of the agency to be created, or the newly imposed task to be performed. Then as sections accumulate they can be put into sequence, allowing forgotten provisions to be inserted at any time and the entire structure to be rearranged if logic warrants it. The most difficult provisions can be drafted last. Usually the most difficult sections to draft are those that define when, where, and to whom the law is applicable.

There can be any number of middle drafts to a bill, with each draft representing another step in the drafting process. One editing process, known as horizontal editing, allows a bill to be repeatedly examined, from beginning to end, with only one or two kinds of defects edited out each time — such as grammatical errors or contextual inconsistencies.

The final draft of a bill is the one that is ready for introduction into the legislature. According to both House and Senate rules, the final draft must be finalized (checked for form) by the Legislative Service Commission. Only a legislator may request a service from the LSC, however, so if the primary draftsperson is not a legislator, the draftsperson must go through a legislative detail work on a bill on a non-partisan basis and holds all requests in strict confidence. As required by law, the LSC ensures that every bill meets the necessary Ohio Revised Code placement requirements (Ohio laws are arranged in a certain order and numbered in a specific manner, and the LSC must make sure that the structure and system are maintained).

Strategies for getting a bill passed can begin with the drafting process. These include involving opponents in the drafting process, limiting the scope of the bill, creating an intentionally vague draft, and writing half bills.

Involving Opponents

In getting a bill passed, try to bring the opponents into the drafting process as early and deeply as they voice all their questions, objections, and opinions while the bill is being written — long before a legislative committee is appointed to consider the bill. Opponents are critical editors, and any defects they may spot or embarrassing insights they may reveal are preferably heard during a private editing session rather than during a public hearing.

An invitation to participate in the drafting disarms opponents, for to refuse would not be in accord with the compromising spirit of the legislature. An accepted invitation to participate may give opponents pride of authorship. The opponents’ input into the bill may make them feel like part of the bill belongs to them. Thus, they may treat the whole bill more reasonably.

Sometimes an advocate may be able to involve the opponents in so many drafting sessions and rewrites that they lose interest, wear out, or decide their opposition has reached a point of diminishing returns. For this to happen, though, the opposition must have won concessions so that they can rationalize giving up the fight.

Limiting The Scope Of A Bill

If the scope of a bill is limited, chances are that a smaller group of opponents will have to be faced. Conservative drafting often works better than a later tactical amendment to narrow the scope of a bill.

Creating Intentional Vagueness

A bill can be drawn up in an intentionally vague way that leaves a critical issue hanging in the air. This occurs either because of the intentions of the draftsperson or due to a compromise. Because intentional vagueness leaves a major gap in a bill, it may hold off the opposition and limit legislative battle. It may also, however, lead to legislative difficulties.

Writing Half Bills

Bills drafted to repeal old laws but not to create new ones are known as half bills. Because they omit the creation of new laws, they may be more easily passed.

READING BILLS

Anyone involved in the legislative process should know how to read a bill. This section describes the parts of a bill that are always consistent in format — the title, the style clause, and the sections.

Title

The “title” is at the beginning of each bill. It is a paragraph that lists the sections of the Ohio Revised Code.
Ohio Revised Code sections that the bill proposes to amend or enact. Directly beneath the list of section numbers, the Ohio Revised Code sections being amended or enacted are printed in their entirety, in numerical order. If the single purpose of a bill is to repeal sections of the Ohio Revised Code, then Section 1 will list only the sections being repealed.

In the body of a bill, all new language will be printed in upper case letters. If a completely new section is being enacted, all the language will be capitalized. If existing law is being amended, only the new language will be capitalized; the old language will be in lower case letters, indicating that it is old and is remaining in the Ohio Revised Code unchanged.

If the object of a bill can be achieved by eliminating some language of the existing law, then the words, numerical references, and grammatical symbols to be deleted will be marked by interlining (drawing a horizontal line through the stricken language). New numerical references and grammatical symbols will be underlined (drawing a line beneath the new references and symbols) unless they are part of a new paragraph. Sample 2.2 illustrates Section 1 of a bill.

### Sample 2.2: Section 1 And Section 2 Of A Bill

Section 1. That sections 2937.11, 2937.15, and 2945.49 be amended, and section 2937.101 of the Revised Code be enacted to read as follows:

Sec. 2937.11. (A) At the preliminary hearings, the hearing shall be conducted under the rules of evidence prevailing in criminal trials generally. The accused and the magistrate having have full right of cross examination and the accused has the right of inspection of exhibits prior to their introduction. The hearing shall be conducted under the rules of evidence prevailing in criminal trials generally. On motion of either the state or the accused, witnesses shall be separated and not permitted in the hearing room except when called to testify.

Section 2. That existing sections 2937.11, 2937.15, and 2945.49 of the Revised Code are hereby repealed.
Section 2

When an existing section of law has been amended it is necessary to repeal the current version of the section being replaced — even though much of the existing language may be unchanged. "Section 2" of a bill indicates that the existing law is being repealed.

Known as the "repeal clause" of a bill, Section 2 lists the numbers of all sections of the Ohio Revised Code being repealed as a result of amendments as well as any sections being repealed outright (when no new sections are being enacted as replacements). The sections being repealed outright are always listed last, regardless of numerical order. If a bill does not propose to amend an existing section of law or enact a new section of law, the outright repeal clause will become Section 1 rather than Section 2. Sample 2.2 illustrates Section 2 of a bill.

Section 3

"Section 3" of a bill encompasses the emergency clause of a bill, if there is one. Normally an act that is not an appropriation measure cannot become effective as law until 90 days following approval by the Governor and filing with the Secretary of State. But, as provided by the Ohio Constitution: "... emergency laws necessary for the immediate preservation of the public peace, health, or safety shall go into immediate effect ... the reason for such necessity shall be set forth in one Section of the law ..." Section 3 serves this purpose. Sample 2.3 illustrates Section 3 of a bill.

Sample 2.3: Section 3 Of A Bill

The following language is typical of that used in the emergency clause of a bill:

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 such necessity lies in the fact that ... Therefore, this act shall go into immediate effect.

Provisions Of Temporary Law

Provisions that are not to be placed in permanent law are put in those sections following Section 2 and are known as temporary law. Whereas permanent law bears an Ohio Revised Code section number and is effective until amended, repealed, or declared unconstitutional, temporary law does not appear in codified form and is usually effective for three years or less.

Temporary law is filed in the office of the Secretary of State. In bill form it is not capitalized even though it is "new" language. If a bill does not contain an emergency clause in Section 3, temporary law may appear in that and subsequent sections.

Points To Remember When Reading A Bill

- All new language, except new "temporary" language, appears in capitalized form.
- All old language that will remain in the statutes is in lower case letters.
- Language to be deleted is marked by interlining.
- New numerical references and grammatical symbols are underlined, unless they are part of a new paragraph.
- "Temporary" law will appear in lower case letters at the end of the bill.

BILLS AND THE OHIO REVISED CODE

In drafting and reading bills, it is important to know how to use the Ohio Revised Code, both as a resource and as a reference.

The Ohio Revised Code is the statutory law of the state. It begins with five odd-numbered chapters of General Provisions covering the following subject areas:

Chapter 1. Definitions; Rules of Construction
3. Officers; Oaths; Bonds
5. State Insignia; Seals; Holidays
7. Process; Publication
9. Miscellaneous

It then consists of 32 major divisions called titles. The titles are odd-numbered from number 1 through 61 (e.g., 1,3,5,...,57,59,61).

Each title is divided into numbered chapters dealing with more specific subjects. Chapters are numbered so that the first numerals designate the number of the title and the last numerals designate the number of the chapter. For example, Chapter 713 would be Chapter 13 of Title 7 and Chapter 4101 would be Chapter 1 of Title 41.

Chapters are further divided into sections. These are the smallest divisions of the Ohio Revised Code that are numbered. Each section is identified by a numerical reference that follows a decimal point. For example, Section 5721.03 would be found in the third section of Chapter 21 of Title 57.

Sections of the Ohio Revised Code are continually being amended, enacted, or repealed. Therefore, to find the most current version of any statute, supplemental and current service materials must be checked.
THE FLOW OF LEGISLATION

Legislation "flows" through a very complicated process. This process is both discussed in the narrative and illustrated in Charts 2.1-2.4. The reader, however, must recognize that a diagram of steps in the legislative process is not a flow chart; it is an obstacle course.

PREPARATION OF A BILL FOR INTRODUCTION

The several steps that precede the introduction of a bill in the legislature were discussed earlier in this chapter. To summarize, first a need for legislation is determined by the state administration, legislators, or citizens' groups (refer to step 1 of Chart 2.1). Then the bill is...
drafted by either the administration or legislators, citizens' groups, or the Legislative Service Commission, and a sponsor is obtained (refer to steps 2A, 2B, and 2C of Chart 2.1). Finally, the LSC approves the bill for form and returns it to its sponsor for further action (refer to step 3 of Chart 2.1).

Following these steps, a bill begins what may be a lengthy and difficult process, with each step along the way representing a potential obstacle that might prevent the bill from becoming an act (approval by both chambers of the legislature) and then a law.

**ACTION BY THE FIRST CHAMBER**

A bill must be sponsored by at least one legislator to be introduced in either chamber of the legislature. The legislator, or sponsor, manages the bill as it passes through the legislature, making strategic decisions and carrying responsibility for the explanation and advocacy of the bill while it is in committee and on the floor (Chapter Six discusses choosing a sponsor for a bill).

Once the chief sponsor's or co-sponsors' names are signed on a bill, it is ready for introduction, which can be a routine matter or a more complicated task involving a number of tactical decisions.

**Introduction And First Consideration In The House**

In the House of Representatives, the sponsor introduces the bill by filing copies of it with the Legislative Clerk (refer to step 4A of Chart 2.2). According to House rules, bills must not be filed later than one hour prior to the time set for the next session. When the time for introducing bills is reached in the regular order of business, the Clerk reports the bills in the order that they were filed.

At the time of its formal introduction in the House, a bill is subject to the first of three considerations or readings. As long as three-fourths of the members present agree to dispense with the "full and distinct" reading, only the title of a bill is read at its first consideration. According to a House rule, if opposition to a bill is expressed at the first consideration, then the Speaker puts the question of rejecting the bill to a vote. For the bill to be rejected, the question must, without debate, receive a majority vote of the members present. If it is not rejected, it proceeds through the House in regular order. Rejection of a bill at its first consideration is a rare occurrence; virtually all bills are accepted for first consideration without opposition.

**Introduction And First Consideration In The Senate**

Bills in the Senate are introduced when the sponsor files copies of it with the Senate Clerk's office (refer to step 4B of Chart 2.2). As in the House, at the time of introduction within the regular order of business the Clerk reads the bills by title only, in the order that they were filed. At this point the bills receive their first consideration in the Senate. If immediate objection is made to a bill, the question of rejection is put to a vote. If a bill is rejected, it may not be introduced again without a majority vote of all the Senators. As in the House, however, virtually all bills introduced in the Senate are accepted for first consideration without question.

**A Deadline For Introduction**

The House rules allow, through a majority vote of the House, the setting of a deadline on the introduction of bills. The deadline involves eliminating the "Introduction of Bills" from the order of business after a certain time period of the session has passed. It imposes some restraints on the session workload and helps limit the amount of unfinished business.

The Senate rules do not specifically address a deadline for introduction, but technically the Senate could impose a deadline by a two-thirds vote of all Senators.

**Numbering And Abbreviating Bills**

When bills are introduced in either the House or the Senate they are numbered consecutively, as introduced, beginning with the number one (e.g., H.B. 1, H.B. 2, H.B. 3 or S.B. 1, S.B. 2, S.B. 3). The assigned numbers identify the bills for the duration of their progress throughout the legislative session. If a special session is called by the Governor or the leadership of the General Assembly, the bills introduced in each chamber during the special session are numbered consecutively beginning with the number one. At the end of a special session, the previous consecutive numbering process of the regular session resumes for the rest of the regular session. A bill that does not pass in one session and is re-introduced in a later session is re-numbered.

**Second Consideration In The House**

After a bill has been considered for the first time by the House, it is sent to the House Reference Committee (refer to step 5A of Chart 2.2). This committee functions to determine whether a bill is of a frivolous nature, was introduced in good faith, is a duplication of an already-introduced bill, is in conflict with or a duplication of existing statutes without making provisions for the repeal of the existing statutes, or is a measure that can properly be considered as an amendment to a bill already introduced. In essence, it screens the House's business.

The Reference Committee usually reports a bill back to the House with a recommendation for reference to the proper standing committee. At this time, the bill receives its second consideration (refer to step 6A of Chart 2.2).

Under rare circumstances, the Reference Committee
does not recommend a bill to a standing committee (refer to step 6B of Chart 2.2). Most House bills, of course, are referred to standing committees. There are ways, however, of making referrals that prevent legislation from going anywhere. For example, a bill may be referred to committee so late in the session that it cannot possibly be dealt with, or a bill may be referred to an inappropriate committee. In the opinion of one legislative advocate, bills that get stuck in the Reference Committee are usually held up because of funding difficulties, because no standing committee wants them, or because some members of the Reference Committee are opposed to them. Certain legislators and advocates claim that, in reality, the decisions of the Reference Committee are actually determined by the leadership and the political caucus of the majority party.

Second Consideration In The Senate

After a bill in the Senate has been considered for the first time, it is sent to the Senate Reference Committee (refer to step 5B of Chart 2.2) and generally assigned to a standing committee (refer again to Steps 6A and 6B of Chart 2.2). Note that in certain bienniums the Senate Rules Committee carries out the reference function.

Standing Committees

Standing committees prepare bills for further chamber consideration. They are virtually “little legislatures” — basic legislative work units that exercise considerable influence in the legislature. The effectiveness of the legislature depends largely on the effectiveness of its standing committees.

A standing committee decides either not to act on a bill (refer to step 7A of Chart 2.2) or, as is usually the case, to work on the bill (refer to step 7B of Chart 2.2). Because a large portion of the work done by a standing committee involves hearing testimony by persons directly interested in the proposal, standing committee meetings are usually referred to as “public hearings” (for more information on public hearings, refer to Chapter Six).

Sometimes the chairperson of a standing committee may decide that a bill is too complicated and would involve too much time for consideration by the full committee. The chairperson may then choose a subcommittee of the standing committee to consider the bill further (refer to step 7C of Chart 2.2). A subcommittee may operate in a manner very similar to the parent committee by not acting on the bill or by holding hearings on the bill and perhaps amending or substituting it (refer to steps 7C-1 and 7C-2 of Chart 2.2).

Once a subcommittee has completed its work, it reports its findings, actions, and recommendations to the parent committee (refer again to step 7C-2 of Chart 2.2). Members of the full committee then vote on whether to accept the subcommittee’s report. If the report is accepted, then the committee decides on the disposition of the bill. If the report is not accepted, then the chairperson of the standing committee may choose either to appoint another subcommittee or to proceed on the measures as though the subcommittee had never been appointed.

Whether it is based on the standing committee’s own determination or on the report of a subcommittee, if a bill is objected to or amended, the joint rules require the chairperson to verbally or in writing notify the sponsor before a final committee decision is made. The notification must set a time when the sponsor may appear and be heard by the committee.

At the conclusion of its consideration of a bill, a standing committee reports the bill back to the full membership of the chamber with a recommendation against or in favor of passage (refer to steps 8A and 8B of Chart 2.2). A bill recommended for passage by a standing committee may be left unchanged, amended, or completely rewritten as a substitute bill (refer to steps 9A, 9B, and 9C of Chart 2.2). In both the House and the Senate, those bills recommended for passage go to the Rules Committee of their parent chamber (refer to step 10 of Chart 2.2).

Note that a bill cannot be considered by the entire membership of a chamber as long as a standing committee has that bill under consideration. And if the committee is not ready to report the bill back to the chamber, the only way the chamber membership can take action on the bill is to relieve the committee of further responsibility of it. The rules of both chambers provide for this action, though it is rarely called for.

The Rules Committee

The Rules Committee plays the role of the “gatekeeper of legislation” since it determines whether a bill is redirected to another standing committee or whether or not it gets sent to the floor of the chamber for consideration (refer to steps 11A, 11B, and 11C of Chart 2.2). Many legislators characterize the Rules Committee as “the most powerful committee” in the House or Senate.

In the House, the Rules Committee is largely controlled by the Speaker. In the Senate, it is controlled by the President Pro Temp. In both bodies the Rules Committee provides a setting where the leadership can “dog-house” non-conforming legislators by preventing their bills from being released. Thus, some legislation just never gets out of Rules Committee. A discharge petition may be filed to bypass the Rules Committee, but this tactic rarely works. Legislation that does get out, however, is placed on the Calendar of the chamber for floor debate. It is placed above the black line on the Calendar, indicating that it is about to receive its third consideration.

Before a bill is placed on the Calendar of a chamber, by the Rules Committee, it is engrossed. Engrossment
Chart 2.2: Action By The First Chamber

**A HOUSE BILL**

- **4A** House sponsor introduces bill in House
- **5A** Bill sent to House Reference Committee
  - **6A** Reference Committee refers bill to standing committee
    - **7A** Standing committee does not act on bill *
    - **7B** Standing committee works on bill; hearings are held
  - **6B** Reference Committee does not refer bill to standing committee *
  - **7C** Subcommittee does not act on bill *
    - **7C-1** Subcommittee holds hearings on bill and perhaps amends it or substitutes it; subcommittee reports back to standing committee
    - **7C-2** Standing committee recommends passage
- **8A** Standing committee recommends against passage *
- **8B** Standing committee recommends for passage
  - **9A** Standing committee recommends passage of bill unchanged, as submitted
  - **9B** Standing committee recommends passage of bill with amendments
  - **9C** Standing committee recommends passage of substitute bill
- **10** Bill sent to Rules Committee
  - **11A** Rules Committee redirects bill to another standing committee *
  - **11B** Rules Committee schedules engrossed bill on chamber floor for consideration
  - **11C** Rules Committee does not schedule bill on chamber floor for consideration *
- **12A** First chamber passes bill as submitted, with amendments, or as a substitute bill and refers bill to second chamber
- **12B** First chamber takes action on bill other than to pass it *

**A SENATE BILL**

- **4B** Senate sponsor introduces bill in Senate
- **5B** Bill sent to House Reference Committee
  - **6A** Reference Committee refers bill to standing committee
  - **7A** Standing committee does not act on bill *
  - **7B** Standing committee works on bill; hearings are held
  - **7C** Subcommittee does not act on bill *
    - **7C-1** Subcommittee holds hearings on bill and perhaps amends it or substitutes it; subcommittee reports back to standing committee
    - **7C-2** Standing committee recommends passage
- **8A** Standing committee recommends against passage *
- **8B** Standing committee recommends for passage
  - **9A** Standing committee recommends passage of bill unchanged, as submitted
  - **9B** Standing committee recommends passage of bill with amendments
  - **9C** Standing committee recommends passage of substitute bill
- **10** Bill sent to Rules Committee
  - **11A** Rules Committee redirects bill to another standing committee *
  - **11B** Rules Committee schedules engrossed bill on chamber floor for consideration
  - **11C** Rules Committee does not schedule bill on chamber floor for consideration *
- **12A** First chamber passes bill as submitted, with amendments, or as a substitute bill and refers bill to second chamber
- **12B** First chamber takes action on bill other than to pass it *

*Note that in certain bienniums the Senate Rules Committee carries out the reference function.

* Denotes the most direct route a bill can follow

* Denotes the places in the process where a bill can be buried
the process of preparing a true copy of the bill, with all its amendments, and printing the bill in official form. A bill is always engrossed before final passage so that it can be transmitted to the second chamber immediately afterward. The Clerk's office is responsible for engrossment (refer again to step 11 of Chart 2.2).

**Floor Action**

At its third consideration — when it is considered by an entire chamber — a bill may be approved (either as submitted, with amendments, or as a substitute bill), laid on the table, referred back to committee, postponed, reconsidered, defeated, or acted upon in other ways as specified in the rules of each chamber (refer to steps 12A and 12B of Chart 2.2). Whatever the outcome, the process is directed by parliamentary procedure and chamber rules.

In either chamber, a bill must receive a favorable vote by a majority of the membership to pass. This means that 50 votes are needed to pass a House bill and 17 votes are needed to pass a Senate bill. Emergency legislation requires a two-thirds vote of the membership of both the House (66 votes) and Senate (22 votes). Amendments to the Ohio Constitution must pass by a three-fifths majority in both chambers and then be approved by the voters.

**ACTION BY THE SECOND CHAMBER**

Once a bill passes the first chamber, it is sent to the second chamber where the legislative process is repeated (refer to step 13 of Chart 2.3). The second chamber may do the following:

- not pass the bill (refer to step 14A of Chart 2.3);
- pass the bill unchanged (refer to step 14B of Chart 2.3);
- amend the bill or substitute it (refer to step 14C of Chart 2.3).

When the second chamber passes a bill of the first chamber in the exact form as it was received, the bill advances to the Governor (refer to steps 19-25 of Charts 2.3 and 2.4). But when the second chamber passes a bill in any version other than that adopted by the first chamber, the bill must be returned to the first chamber for concurrence with the changes (refer to step 15 of Chart 2.3). Unless otherwise ordered, the joint rules require the bill to lay over one calendar day when returned to the first chamber. The amendments made in the second chamber must be printed in the *Journal* of the originating chamber. The *Calendar* must indicate the page in the *Journal* where the amendments are printed.

The question of concurrence in the amendments adopted by the second chamber is considered during a floor session in the originating chamber. The same number of votes as was required to originally pass the bill is required for concurrence. If the originating chamber concurs in the amendments adopted by the second chamber, the bill advances to the Governor (refer to step 16A and then to steps 19-25 of Charts 2.3 and 2.4). If the originating chamber does not concur with the amendments adopted by the second chamber, it must notify the second chamber stating its non-concurrence of the amendments (refer to step 16B of Chart 2.3). The second chamber is then left with the following choices:

- to insist upon its amendments and ask for a conference committee (refer to step 17A of Chart 2.3);
- to give up its amendments and, thus, pass the bill in the form adopted by the original chamber (refer to step 17B and then steps 19-25 of Charts 2.3 and 2.4);
- to adhere to its amendments and reject a conference committee, thus defeating the bill since only the second chamber may call for a conference committee (refer to step 17C of Chart 2.3).

If the second chamber chooses to ask for a conference committee, as required by the joint rules, the conference committee must consist of three members from each chamber (unless specified otherwise by both chambers). The chairperson of the conference committee must be the first-named member appointed by the originating chamber. If the conference committee is able to reach an agreement, the committee report must be signed by a majority of the members of each chamber on the committee. If the membership of either chamber fails to approve the conference committee’s report, it must notify the other chamber of its action. It may request another conference committee to be appointed (this would be the only instance where the originating chamber could request a conference committee). If both chambers approve the conference committee’s report, the bill is passed (refer to step 18A of Chart 2.3). If, however, the conference committee cannot reach an agreement acceptable to the membership of both chambers, the bill is defeated (refer to step 18B of Chart 2.3).

In summary, any of the following conditions provide for the enactment of a bill:

- if the bill passes through all the required steps of the legislative process in the second chamber without change (refer back to step 14B of Chart 2.3);
- if the bill is amended by the second chamber and the originating chamber concurs with the changes (refer back to step 16A of Chart 2.3);
- if the bill is passed by the two chambers in different versions but the second chamber gives up its changes (refer back to step 17B of Chart 2.3);
- if the bill is passed by the two chambers in different versions but the differences are settled by a conference committee and the conference committee’s report is approved by both chambers (re-
At the point of enactment, the final engrossment of the bill is prepared. This is known as the enrolled version of the bill. The bill is then signed by the Speaker of the House and the President of the Senate. It becomes an act (thus the term “enactment”) and is sent to the Governor (refer to step 19 of Chart 2.3).

**ACTION BY THE GOVERNOR**

Before an act passed by the General Assembly can become law, it must be presented to the Governor. The Governor may then take any of the following actions:

- ✔ disapprove, in the form of a veto, any act passed by the General Assembly or any item(s) in an appropriations act (refer to step 20 of Chart 2.4);
- ✔ approve the act and sign it, whereupon it becomes law (refer to step 20B of Chart 2.4);
- ✔ fail to either sign the act or veto it within ten days after receipt (Sundays excepted), whereupon it becomes law (refer to step 20C of Chart 2.4);

If the Governor vetoes an act or part of an appropriations act, the vetoed piece of legislation must be returned to its originating chamber with the Governor’s written objections (refer to step 21 of Chart 2.4). The originating chamber must then enter the Governor’s objections in its Journal. In trying to repass the measure, a three-fifths vote of the elected membership is required. If the measure does not receive that plurality, it fails (refer to step 22A of Chart 2.4). If it is repassed, it is sent to the second house, along with the Governor’s written objections, for similar action. With repassage of the bill by the second chamber, which also requires a three-fifths vote, the act becomes law in spite of the Governor’s veto (refer to step 22B of Chart 2.4).
The Secretary of State receives the act for filing, certifies its effective date, and forwards it to the Director of the Legislative Service Commission for approval of Ohio Revised Code section numbers (refer to step 23 of Chart 2.4). The act is then returned to the Secretary of State for permanent filing (refer to step 24 of Chart 2.4).

The act becomes law (effective) 90 days after it is filed with the Secretary of State, or immediately upon filing if it is an emergency, tax, or appropriation measure (refer to step 25 of Chart 2.4). Sometimes the effective date of a law is delayed (e.g., to give a department time to gear up or to give time to notify those who will be affected).

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**Where A Bill Can Be Buried**

[On Charts 2.1 - 2.4, these points are indicated with an asterisk (*)]

- **In the Reference Committee**—if the Reference Committee does not refer the bill to the proper standing committee.
- **In a Standing Committee**—if a standing committee decides not to act on the bill.
- **In a Subcommittee**—if a subcommittee decides not to act on the bill.
- **In a Standing Committee**—if a standing committee does not recommend the bill for passage.
- **In the Rules Committee**—if the Rules Committee redirects the bill to another standing committee.
- **In the Rules Committee**—if the Rules Committee does not schedule the bill for floor consideration.
- **In the First Chamber**—if the first chamber does not pass the bill.
- **In the Second Chamber**—if the second chamber does not pass the bill.
- **In the Second Chamber**—if the second chamber passes the bill with changes, insists upon its changes, and rejects a committee of conference.
- **In a Conference Committee**—if a conference committee cannot reach an agreement acceptable to both chambers.
- **In the Office of the Governor**—if the Governor vetoes the bill and the veto is not overridden by a 3/5 vote in both chambers.
Some Basic Definitions Of Motions And Questions Used In Parliamentary Procedure*

Adjourn — A motion used to suspend operations and terminate business until the next scheduled meeting. This motion takes precedence over all other motions.

Amend — A motion used to alter an issue by either inserting new language, deleting current language, or deleting current language to insert new language.

Committee/Refer — A motion used to refer a bill to a committee for consideration.

Committee of the Whole — On orders of the day, a motion that requires the presiding officer to appoint a chairperson to preside over the entire membership as a committee to consider an issue.

Lay on the Table — A motion used to dispense with an issue without voting on it.

Orders of the Day — A motion used to make an assignment for the consideration of an issue on a particular day.

Personal Privilege — A question by a member that relates to the member in a representative capacity.

Previous Question — A question used to bring a vote on whether or not to cease debate.

Question (Point) of Order — A question used to bring to the attention of the presiding officer that the chamber is violating a rule or is proceeding incorrectly.

Recess — A motion used for an interim between any two sessions on the same day.

Recommit/Re-refer — A motion used to send a bill back to committee at any time before passage.

Reconsider — A motion used to bring a previously resolved issue back before a chamber as though it had never been considered before. The motion must be made by a member who voted on the prevailing side and must be made within two days after the original disposition of the issue.

Special Order — A motion used to bring up an issue at a particular day and hour for consideration under a suspension of the rules.

Suspension of the Rules — A motion used to dispense with the operation of specific rules.

Take From the Table — A motion used to revive a tabled motion for consideration. This motion is in order only under a suspension of the rules.

* Some of these motions may seem similar and confusing but they each serve a purpose and have a different use. It should be remembered that these are general definitions. A complete understanding of their use and when certain motions are in order or out of order would require reference to the rules of the particular chamber or to the adopted parliamentary procedure guide.

CHAPTER TWO: NOTES

The content of this chapter is based on information from the following sources:


League of Women Voters of Ohio, Know Your Ohio Government (Columbus, Ohio: 1983).

Ohio Legislative Service Commission, A Guidebook for Ohio Legislators (Columbus, Ohio: 1977).

THE STATE BUDGET

The state budget is a vehicle for making choices among competing interests. It is a means of establishing state spending priorities for a two-year period (the biennium) beginning in the odd-numbered years. The very preparation of a state budget requires setting state policy on many public issues affecting education, health, welfare, mental health, etc. Thus, the budget reflects the ability of the administration and the General Assembly to rank and balance competing priorities and rival organizations. The clear implication for citizens' groups is that in advocating for your particular proposal or project, you are entering a highly political arena in which numerous groups are girding for the budget battle.

TAXING AND SPENDING IN OHIO

Because of space limitations, this chapter cannot review in detail recent state legislative experiences in taxing and spending. For an excellent analysis, however, see Richard Sheridan's Economic Development as the Path to Budget Reform. Some major points are highlighted below:

- Approximately 56 percent of state revenues are derived from taxes. An additional 25 percent is from the federal government. The remaining 19 percent comes from a variety of sources.
- Five taxes—sales and use, motor fuel, public utility, corporate franchise, and personal income—account for about 80 percent of the taxes collected to support all state government services in Ohio.
- Of the state's total receipts, about 60 percent goes to the General Revenue Fund (GRF). This fund is the one over which the General Assembly has the greatest control and the one from which the major functions of government are financed. About three-quarters of the GRF receipts are derived from state taxes. Federal aid accounts for about 18 percent of GRF revenues, and transfers of monies from other state funds is the only other significant source of revenues.
- Comparative tax information is subject to interpretation and is always somewhat out-of-date, but consistently and by various measures—Ohio ranks low in overall tax burdens. Several measures of both state and state-local revenues and Ohio's national rank are shown in Table 3.1.
- Besides being a low revenue producer, Ohio is not excessive as a government service provider. Table 3.2 shows how low Ohio ranked in 1981-1982 in spending per capita as well as in spending for specific major governmental functions.
- Recent trends in the Ohio budgeting process suggest additional funding for education, the correc-
tional system, economic development, programs to assist local government, and capital improvements. Expenditures for education are down slightly for FY 1985 as compared to earlier years, but as of this writing indications point to a renewed emphasis on educational spending. Expenditures for welfare and other human services have decreased slightly over the past few years. For specific figures and trends, contact the Ohio Legislative Budget Office at 16 East Broad Street, Columbus, Ohio 43215 (614-466-8734).

Table 3.1
Comparative Revenue Statistics for Ohio 1981-1982

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<th>State &amp; Local Taxes Per Capita</th>
<th>Indicator</th>
<th>Rank</th>
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<td>Property</td>
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<td>27</td>
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<tr>
<td>General Sales</td>
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<tr>
<td>Income</td>
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<td>24</td>
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<tr>
<td>Other</td>
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<tr>
<td>Total</td>
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<td>35</td>
</tr>
</tbody>
</table>

State & Local Taxes as Percent of Income

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>3.2%</td>
</tr>
<tr>
<td>General Sales</td>
<td>1.8</td>
</tr>
<tr>
<td>Income</td>
<td>2.5</td>
</tr>
<tr>
<td>Other</td>
<td>2.0</td>
</tr>
<tr>
<td>Total</td>
<td>9.4</td>
</tr>
</tbody>
</table>

(Note: Recent tax enactments may have raised slightly Ohio’s comparative ranking.)

PREPARING THE BUDGET

Citizens’ groups should be aware that a variety of influences can affect the budgetary process, such as political considerations, judicial decisions, changes in federal funding, and the economy. Hence, though this chapter identifies the general budgeting patterns, unique situations can result in budgetary variations from one biennium to the next. The budgetary process is not fixed; rather it is a dynamic process requiring continuous awareness.

When a citizens’ group wants either to increase financing for existing programs or acquire financing for new ones, it should concentrate its efforts first on the administration, since this is where the budgetary process begins, and then on the legislature, since this is where the budgetary process continues. The following sections describe the significant points in the administrative and legislative budget formation and review processes.

Table 3.2
Comparative Spending Statistics for Ohio 1981-1982

<table>
<thead>
<tr>
<th>State &amp; Local Spending Per Capita</th>
<th>Indicator</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>$610</td>
<td>38</td>
</tr>
<tr>
<td>Welfare</td>
<td>244</td>
<td>16</td>
</tr>
<tr>
<td>Health &amp; Hospitals</td>
<td>163</td>
<td>23</td>
</tr>
<tr>
<td>Highways</td>
<td>115</td>
<td>45</td>
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<tr>
<td>Total</td>
<td>973</td>
<td>35</td>
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</tbody>
</table>

State & Local Spending as Percent of Income

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>5.9%</td>
</tr>
<tr>
<td>Welfare</td>
<td>2.4</td>
</tr>
<tr>
<td>Health &amp; Hospitals</td>
<td>1.6</td>
</tr>
<tr>
<td>Highways</td>
<td>1.1</td>
</tr>
<tr>
<td>Total</td>
<td>16.3</td>
</tr>
</tbody>
</table>

(Note: Ohio recently ranked 48th among the states in the amount of welfare grant as compared to the state standard of need, which is based on food, rent, clothing, and transportation.)

THE BUDGETARY PROCESS AND THE ADMINISTRATION

Influential members of the legislature stress that the best place to initiate a budget request is in the appropriate state department while the department prepares its budget request for review by the administration.

In June through August of the even-numbered years preceding the first session of the General Assembly (e.g., 1986, 1988, 1990), each department develops its budget request (refer to step 1 of Chart 3.1). A department may begin planning its budget strategy months before it prepares its request. Because the state fiscal biennium runs from July 1 of one odd-numbered year to June 30 of the next odd-numbered year, this means each department begins its budget preparation a year in advance of receiving its funds.

Usually department requests are built upon past allocations and the department’s perception of what it believes the administration will agree to. The requests are
generally for the maximum amount needed since both the Governor and the legislature rarely consider granting a department more funds than the amount it asks for. (The purpose of budget review is to reduce agency requests, not to enlarge upon them.) Additional funds for programs can usually be gained only if administrators and legislators feel strong pressure from citizens' groups for an increase. One state official conveys the importance of citizens' group pressure:

It is important for a citizens' group to see the director of the department as early as possible — preferably before the department prepares its budget and about a year before the General Assembly convenes in the new biennium. As public officials we are constrained by pressure to hold the line. Knowing that there is strong political sentiment for the program and that, hopefully, the Governor is positive about it will influence our decisions about the budget.

To review a department's budget request, it may be necessary to contact the department directly or obtain the assistance of a legislative leader.

By June of the even-numbered years, revenue specialists of the Office of Budget and Management (OBM) prepare revenue estimates, based upon economic assumptions, for the country and the state to estimate the next biennium's revenue from tax resources (refer to step 2 of Chart 3.1). In addition, OBM estimates the availability of federal funds, income from sales, and other sources of money.

In July of the even-numbered years, the Governor gives initial reactions to the proposed expenditures and makes preliminary policy decisions (refer to step 3 of Chart 3.1). Thus, the basis for the remaining months of budget preparation and OBM's input into the preparation is established. Communications from citizens' groups supporting potential increases are made to the Governor at this time. Also at this time, OBM requests the departments to describe their programs, estimate their costs, and establish priorities (refer to step 4 of Chart 3.1).

In August of the even-numbered years, departments submit their budgets to the administration (refer to step 5 of the Chart 3.1). After this month, it is difficult for additional budget requests to be considered by the administration, unless they come from the Governor's office itself.

In September of the even-numbered years, OBM conducts an analysis (refer to step 6 of Chart 3.1). It compares the requests of total proposed expenditures with total anticipated revenues, compares the request of one department with another to avoid duplication of effort, and analyzes the proposals based on priorities set by the Governor.

Between September and November of the even-numbered years, OBM holds hearings focused on the question, "How much money will it take to do what you are doing today in the next biennium after considering inflation?" (refer to step 7 of Chart 3.1). These hearings tend to focus on possible changes to current programs, such as where cuts would be made, if required, and agencies' proposals for new or expanded programs. OBM usually decides unilaterally the future cost of current programs. Then OBM makes recommendations for discontinued or reduced funding and reviews newly requested or expanded programs. In general, this budget review occurs without input from citizens' groups. OBM then outlines various program alternatives and revenue projections and makes recommendations to the Governor who resolves conflicts (refer to step 7 of Chart 3.1). Final appeals by citizens' groups should be made to the Governor at this time — preferably by those who have credibility with the Governor.

During November and December of the even-numbered years, OBM prepares the Executive Budget (refer to step 8 of Chart 3.1). The document includes a detailed description of the many proposed programs and activities of the state government, including new and expanded programs and agency budget requests, separate and aggregate costs, sources of funds, the relationship between costs and benefits, and changes in program thrust.

In December of the even-numbered years, OBM prepares the biennial Appropriations Bill to be introduced to the General Assembly (refer to step 9 of Chart 3.1). The bill includes not only an accurate legal implementation of the dollar allocations in the Executive Budget, but also the numerous changes in regulations, grant formulas, and department assignments as well as other fiscally related changes.

In January of the odd-numbered years, or in March if the Governor is newly elected, a representative of the Governor introduces the Appropriations Bill to the General Assembly (refer to step 10 of the Chart 3.1). The General Assembly then considers the bill. To obtain a copy of the Appropriations Bill, contact your legislator. Capital budget requests are considered by the General Assembly in even-numbered years. This fact could be of interest to citizens' groups concerned with, for example, group homes.

The Governor plays a major role in determining the course of budgetary and legislative action to be taken by the General Assembly each biennium by presenting to the legislature both the state budget (in the form of Appropriations Bill and the State of the State Address. The state budget, as developed by the Governor and the Governor's staff, becomes the main focus for legislative activity. Those issues raised in the Governor's State of the State Address, which is an assessment of the problems and needs confronting the state and the appropriate legislative steps necessary to deal with these matters, are usually related to the budget. Programs not covered in either of these documents may encounter great difficulty in gaining consideration. Thus, many
legislators advise that the best way of getting a desired program or governmental appropriation is through incorporation into the Governor's proposed state budget.

In preparing the state budget, the Governor is limited by such factors as anticipated revenues, mandated programs, federal dollar matching requirements, constitutional or state law allocation and distribution requirements, earmarked state funds, fixed cost expenditures, and the necessity to continue certain previously established programs. Yet the Governor will still usually have some unclaimed dollars to propose for spending as the

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Chart 3.1: The Budgetary Process And The Administration

1. Departments prepare budgets
2. Office of Budget and Management (OBM) prepares revenue estimates
3. Governor makes preliminary policy decisions
4. OBM establishes budget guidelines for departments
5. Departments submit budget requests
6. OBM analyzes the requests
7. OBM holds hearings; Governor resolves conflicts
8. OBM prepares Executive Budget
9. OBM prepares Appropriations Bill
10. Governor addresses General Assembly and Appropriations Bill is introduced
The Governor feels proper. Also, it is always possible that the Governor will feel strongly enough about a program to be willing to call for a different distribution of expected revenue or to propose the creation of new revenue sources.

In deciding what positions to take on proposing state expenditures, the Governor engages in a highly political process. Any action taken — or not taken — can have a great impact on the Governor’s political future.

THE BUDGETARY PROCESS AND THE LEGISLATURE

The first chamber to consider the Appropriations Bill is traditionally the House of Representatives (refer to step 11 of Chart 3.2). Once the Appropriations Bill is introduced in the House, several bodies simultaneously review it:

- **The Legislative Budget Office (LBO)** — determines revenue projections that may be different from those projected by the OBM (refer to step 12A of Chart 3.2);
- **The House Finance-Appropriations Committee** — conducts hearings to determine the fiscal impact of the components of the bill (refer to step 12B of Chart 3.2);
- **Regular standing committees of the House** — conduct hearings and make decisions on programs, contingent on the bill passing (refer to step 12C of Chart 3.2).

The review of the Appropriations Bill by the House Finance-Appropriations Committee is particularly crucial to the budgetary process.

The chairperson of the Finance-Appropriations Committee usually receives the Appropriations Bill four weeks into the first session of the General Assembly biennium (or by March 15 if the Governor is new). Upon receiving the bill, the chairperson divides the proposed budget among the Committee’s subcommittees (task sections) for review. These subcommittees then analyze the budget requests and hold hearings. During the review and hearing processes, department heads are called in for questioning. Upon completion of the review and hearing processes, the subcommittees submit reports to the full Committee.

As the Committee considers the budget, it relies upon the LBO to provide it with financial information or to review OBM figures on revenues and expenditures.

While reviewing the budget, Committee members can suggest amendments. Minority party members of the Committee, however, rarely succeed in offering substantive amendments. During Committee consideration of the amendments, department heads may be called in for further testimony. Amendments made in the Committee do not have to clear any other subject-matter standing committee.

Citizens’ groups anticipating the need for new revenue sources for their programs must be prepared to deal with both the Finance-Appropriations and the Ways and Means Committees. This is because when taking action on the budget, the Finance-Appropriations Committee must depend on estimates of state revenues. These estimates are based on the assumption that the use of certain taxes and fees will remain consistent or grow. If the level of spending that the Finance-Appropriations Committee supports cannot be funded by estimated revenues, changes in tax law may be considered. Tax law is historically the province of the Ways and Means Committee, but in Ohio responsibility for a given tax law change has on occasion been assigned to the Finance-Appropriations Committee, especially if the change is a part of a comprehensive budget bill. It is not unusual for a budget bill containing tax changes to be heard by both the Finance and the Ways and Means Committees.

When the House votes on the Appropriations Bill it accepts it either as submitted, as an amended version, or as a substitute bill prepared by the Finance-Appropriations Committee (refer to step 13 of Chart 3.2). After the vote, the bill goes to the Senate (refer to step 14 of Chart 3.2). Although there is little formal meeting between the House and Senate, informal communication does occur so that each remains aware of programs of special interest to the other when preparing its version of the budget.

The processes of receiving LBO projections and analyses, of holding Finance Committee hearings, and of holding standing committee hearings are repeated in the Senate (refer to steps 15A, 15B, and 15C of Chart 3.2). Also, the Senate Finance Committee may work with the Senate Ways and Means Committee. The Senate then either accepts the Appropriations Bill as delivered by the House or, as is more likely, revises the bill as a substitute bill (refer to step 16 of Chart 3.2). Finally, the Senate votes on the bill and passes it (refer to step 17 of the Chart 3.2).

It may be of interest to citizens’ groups that non-fiscal legislation can be attached to the Appropriations Bill, thus bypassing standing committee review. For example, a recent biennial budget bill included provisions creating the crimes of trafficking in food stamps and illegal use of food stamps. However, if the non-fiscal legislation is clearly unrelated to the appropriations measure, there is the risk that a court ruling might invalidate it.

**HOUSE/SENATE CONCURRENCE**

If the House concurs with the Appropriations Bill in the form passed by the Senate, the bill goes to the Governor for approval (refer to steps 18A and 22 of Chart 3.3). If the House does not concur with the bill as passed by the Senate, then a conference committee is formed to resolve the differences (refer to steps 18B and 19 of Chart 3.3). Members of this committee come from the House and Senate Finance Committees. Once the con-
Chart 3.2: The Budgetary Process And The Legislature

Appropriations Bill introduced in the House

11

Legislative Budget Office (LBO) determines revenue projections and prepares analysis of the executive request

12A

House Finance Appropriations Committee holds hearings on bill

12B

House votes on bill as submitted, as an amended version, or as a substitute bill proposed by the Finance Appropriations Committee

13

House passes bill and sends it to the Senate

14

LBO revises revenue projections and prepares analysis of House bill

15A

Senate Finance Committee holds hearings

15B

Senate standing committees hold hearings on programs, contingent on bill passing

15C

Senate amends bill

16

Senate votes on amended bill and passes it

17

The Senate does not have to amend the bill, but it usually does.

THE BUDGETARY PROCESS AND THE GOVERNOR

If the Governor approves the Appropriations Bill, it becomes a law. If the Governor vetoes parts of the bill (line item vetoes), then the House and Senate must separately override each line item veto by a three-fifths majority (refer to steps 23A, 23B, 24, and 25 of Chart 3.4).

Throughout the biennium the Controlling Board can, under provisions determined by the legislature, act on behalf of the legislature in distributing funds (refer to step 26 of Chart 3.4).
SOME QUESTIONS ABOUT THE BUDGETARY PROCESS

Citizens' groups involved in the budgetary process may need to know the answers to the following questions.

WHAT IS THE PRIMARY SOURCE OF STATE LEGISLATIVE FUNDS FOR HUMAN SERVICES?

The primary source of revenue for human services is the General Revenue Fund, which comprises approximately 60 percent of state income in any fiscal year. The remaining approximately 40 percent is made up of license fees, earmarked taxes (such as the motor fuel tax), and charges for goods and services. Most of these latter funds are earmarked for specific purposes, and the legislature holds limited discretion over their use.

Only the General Revenue Fund remains unfettered and subject to the absolute discretionary determination of use by the appropriations process. In each biennium most of the changes made by the General Assembly on the Governor's proposed budget are related to appropriations from the General Revenue Fund.

The General Revenue Fund is not only the largest of state funds but also the one from which most of the state's expenditures for health, education, welfare, and human services occur. Its major revenue sources include state taxes (sales and use, motor fuel, personal income, corporate franchise, and public utility), federal reimbursements for welfare expenditures, liquor and lottery profits, and interest earnings.

CAN THE BUDGETARY PROCESS BE MODIFIED?

The budgetary process has been described in this chapter as a series of steps that usually take place. But special circumstances can lead to alternatives to the step-by-step process. In other words, because the budgetary process essentially reflects the response of political leaders to the concerns of their constituents and to environmental conditions, it is subject to change. But these changes can be unique responses rather than reflect a new pattern.

For example, due to the severe financial plight of the state in the 1981-1983 biennium, the Senate Finance Committee, which usually reacts to the House version of the budget, conducted detailed budget hearings. The Senate, rather than the House, took the unprecedented step of introducing a major operating appropriations bill to balance the budget (S.B. 530) after it was determined that the House bill (H.B. 694) was not in balance. This is a likely one-time shift of responsibility, although now that the precedent has been set, it may be an aspect of some future strategy.

CAN ADDITIONAL FUNDS BE OBTAINED AFTER THE APPROPRIATIONS BILL PASSES?

Typically, the General Assembly will pass the Appropriations Bill within the first six months of the biennium.
But throughout the remaining 18 months of the biennium the General Assembly does have supplemental appropriations bills continuously before it. For citizens' groups the issue is not whether they can insert their funding requests after the Appropriations Bill passes but whether funds are available. Separate fiscal bills can be added anytime. For example, in 1984 the General Assembly enacted H.B. 344, which created a Low Level Radio-Active Waste Commission and provided an appropriation for its expenses.

**DOES THE STATE HAVE A "RAINY DAY" FUND?**

In the 1981-1983 biennium, the General Assembly established a state Budget Stabilization Fund, based upon a formula that was intended to accumulate reserves in periods of revenue growth to be used in times of revenue decline. In effect, this was to be a "rainy day" fund. However, in the spring of 1983, the legislature set aside the mandatory aspects of the law for two years (ending June 30, 1985) because of the concern that the formula was too restrictive. Currently, the Director of the Office of Budget and Management, with approval of the Controlling Board, can determine how excess funds may be designated.

**HOW IS REVENUE INCOME ESTIMATED?**

By constitutional provision, the budget must be balanced — the state cannot permit expenditures to exceed revenues. Therefore, the Governor and General Assembly depend heavily on estimates of anticipated revenues as they consider the possibility of new or expanding programs. For example, if only a small increase in revenues is estimated, the Governor and General Assembly will operate more conservatively than if large increases are anticipated.

Although revenue forecasting employs computer technology and sophisticated economic tools, any forecaster will acknowledge that precise predictions are exceedingly difficult to achieve. This is because any prediction is based on assumptions about the national and state economy, unemployment, and anticipated revenues — and these assumptions may or may not be correct.

Briefly, revenue forecasting involves these elements:

- The projections of economic conditions by national forecasting firms (e.g., Chase Econometrics),
- Achieving a consensus on various alternative forecasts by a council of Ohio economists,
- Calculating sales, personal income, corporate franchise, and public utility taxes based on the forecasts of economic indicators.

In the past, the state has experienced substantial shortfalls in revenues. Shortfalls amounted to $306.1 million in fiscal year 1982 and $893.5 million in fiscal year 1983. More recent predictions, therefore, have been on the conservative side. The 1984 revenue predictions, however, were too conservative as compared to anticipated expenditures. As a result, in fiscal year 1984, the Governor and General Assembly provided an unprecedented rebate of $50 million to Ohio citizens and a supplemental appropriation of $80 million for Ohio schools, leaving a surplus of $192 million (OBM reduced the surplus to $95.3 million by recognizing certain unencumbered liabilities). Actually, overall tax revenue estimates were on target — just about one-half of one percent below actual income of $8.133 billion. The real difference was that spending was kept below appropriated amounts and lottery profits considerably exceeded estimates. Whether this kind of surplus will continue to be available in the future is uncertain. It depends on the state's economy, anticipated expenditures, and the conservativeness of forecasts.

As a former budget director explains, revenue estimating is still largely "an uncertain act that the Governor and General Assembly approach differently." While the Governor bases estimates on reports from the Office of Budget and Management and tailors the budget proposal accordingly, the General Assembly may base its allocations on different revenue estimates affected by either of the following factors:

- The Legislative Budget Office, which advises the legislature, may have a different perspective of revenue estimates (lower or higher) than the OBM.
- During the several months that the General Assembly considers the Governor's budget, conditions may change or more information may be available than when the OBM originally made its estimates.

The significance of this for citizens' groups is that, even though the Governor's budget may not allow it, there is still the possibility of sufficient funds to support existing, expanding, or new programs since the General Assembly bases its allocations on revenue estimates different from those of the Governor.

Because the Governor and the General Assembly both base their allocations on revenue estimates, the General Assembly's projections may turn out to be inaccurately low or inaccurately high. If they are low, the General Assembly can pass a supplemental appropriations bill; if they are high, the Governor may have to make an across-the-board cut or selectively omit certain programs.
DOES THE GENERAL ASSEMBLY HAVE DISCRETIONARY POWER TO ENACT NEW PROGRAMS?

Although large expenditures for new programs are not typical, the General Assembly can still occasionally manage to budget new activities and provide for some expansion. Recent examples include the following:
- A Family Resource Program in the Department of Mental Retardation,
- An Eminent Scholars Program in higher education,
- A major expansion of public mass transit grants in the Department of Transportation.

This partial listing indicates that despite competition for available dollars, new programs — particularly modest ones — are possible.

WHAT IS THE ROLE OF THE CONTROLLING BOARD?

Composed of six legislators (three from the House and three from the Senate) and chaired by the Governor's designee (usually a Deputy Director of the Office of Budget and Management), the Controlling Board acts for the legislature when it is not in session, overseeing how funds are spent.

The Controlling Board cannot earmark funds unless a bill is passed by the General Assembly allowing it to do so for a particular area if new monies are found. And the Controlling Board cannot create new programs or make transfers between departments; only the General Assembly can. Still, the Controlling Board does have tremendous control over state departments in a number of ways.

First, it can be given the power to spend excess money appropriated by the General Assembly on behalf of a department rather than have the money directly under the auspice of the department itself. This permits the legislature, through the Controlling Board, to have a role in the day-to-day operations of a department.

In addition, the Controlling Board's power to transfer funds appropriated in its Emergency Purposes Account is one of the Board's more significant powers. Each biennium the Controlling Board receives an appropriation in its Emergency Purposes Account. The Board releases these funds to state agencies to meet unanticipated spending needs arising from any number of circumstances, from natural disasters to new legislation that requires the expenditure of additional state funds. The size of this account is dictated largely by the amount of state revenues available after the costs of operating the state government for the biennium have been determined. The amount varies from biennium to biennium, but it is usually $10 to $15 million per year. It is historically true that the demands placed upon the Emergency Purposes Account significantly exceed the available funds, requiring the Board to make decisions among the needs presented to it.

The Controlling Board also approves requests from state administrators to transfer funds from one category to another. For example, if the Director of the Department of Human Services wishes to transfer state ADC funds to Medicaid, permission must be obtained.

STRATEGIES TO CONSIDER

The following strategies should be considered by any citizens' group hoping to have an impact on the budgetary process. These strategies are the suggestions of key OBM and LBO officials, legislative leaders in both chambers, and legislative advocates.

MEET WITH ADMINISTRATORS AND LEGISLATORS EARLY

It is important to meet with administrators as a department's budget is being prepared. In addition, it can be highly productive to meet with legislators in November of even-numbered years, before the General Assembly convenes for the new biennium and the formal budget review and debate processes begin. Since legislators often have their own budget priorities that they will push when their chamber considers the Governor's proposed Appropriations Bill, meeting with the legislators can provide an opportunity to develop tradeoffs and mutual assistance agreements. The legislators become interested in your special concerns, and you become potential supporters of issues that are important to them. As emphasized by one legislator addressing the case of legislators who have not yet formed priorities, "It is important to meet with them right after the November election because you must convince legislators to be committed to your interests before their positions become jelled."

CONCENTRATE YOUR EFFORTS IN THE EARLY MONTHS OF THE BIENNium

Key legislative appropriation decisions are made in the General Assembly between January and June of odd-numbered years (i.e., within the first six months of the first session of a biennium). After that time the budget is set for a two-year period, although occasionally a supplemental appropriations bill is approved if funds become available. In the second year of the biennium, it is difficult to have an impact since the budget for that year is pre-set with little leeway even for the unexpected. Therefore, it is advisable to concentrate your efforts in the early months of the biennium.
INTRODUCE BUDGET AMENDMENTS IN THE HOUSE FINANCE-APPROPRIATIONS COMMITTEE

Your chances for acquiring appropriations are better if your program is incorporated into a department’s budget. If, however, no department requests money for your program, its chances are not necessarily dead. Within the legislature, the House Finance-Appropriations Committee may be able to help you out.

When the House Finance-Appropriations Committee receives the Governor’s budget it is free to amend or rewrite the budget as it sees fit. For example, one legislator was successful in amending the budget in Committee to fund an arthritis research program. This amendment, like any amendment to the budget made in the House Finance-Appropriations Committee, did not have to clear another subject-matter standing committee in the House. Of course, once the budget is out of the Committee, amendments made to it there can be defeated elsewhere.

BEGIN EARLY TO INFLUENCE FINANCE COMMITTEE MEMBERS

Although a standing committee of either the House or the Senate may consider the bill pertaining to your new program before the bill is reviewed by the Finance Committee, you can still begin to influence the Finance Committee members. And do so early in anticipation of receiving adequate financial support from the members. On occasion, the Finance Committees have been known to pass an appropriations measure for a bill pending before a standing committee.

LOOK TO THE SENATE FINANCE COMMITTEE

If the House Finance-Appropriations Committee does not pass your appropriation, look to the Senate Finance Committee for possible passage. A member of the House Finance-Appropriations Committee advises that usually the House Committee does not try to spend all the anticipated funds. Instead, it makes provisions for the Senate Finance Committee to sponsor some projects. Thus, a citizens’ group has a second chance.

CONCENTRATE ON PASSAGE THE FIRST YEAR OF THE BIENNION; ON APPROPRIATIONS THE SECOND YEAR

If there is absolutely no possibility of your program obtaining funds the first year of the biennium (even though the legislature may be fully in favor of your proposal), still pursue passage of the program. But try to get the legislature to specify that monies will be available in the second year of the biennium. Presumably, a program approved by the General Assembly will receive priority for funding when more funds are available. Also, even if only limited funds are made available in the second year, it is likely that the program will be continued. If you are able to get your program passed but not funded within the same biennium, try to obtain funding in the next biennium.

CONSIDER THE CONTROLLING BOARD

If neither the House-Finance-Appropriations Committee nor the Senate Finance Committee passes your appropriations measure, it still may be possible for you to obtain the appropriation. Additional revenues may be identified and made available by the Controlling Board at a later date. Be aware, however, that this rarely occurs.

IF YOUR ISSUE IS A BIG ONE, THEN CONCENTRATE ON THE LEADERS

On substantial appropriations affecting major human service categories (e.g., education or public welfare), the President of the Senate and Speaker of the House usually become greatly involved and exert tremendous influence. A member of the Senate Finance Committee puts it this way: “Early political agreements are made by the leaders on the ‘biggies.’” Hence, on major funding issues you should concentrate on obtaining the approval of the leaders of the General Assembly.

ASK FOR A MODEST APPROPRIATION

Several legislators state that the more modest an appropriations request is, the greater the chances for passage. One legislator defines “modest” as being under five million dollars. Other legislators state that a program costing under one million dollars has a fairly good chance of passage, particularly if favors are owed to the program sponsor. Much depends on the economic outlook. When times are bad, any new initiative may be objectionable.

OBTAIN SUPPORT FROM THE GOVERNOR

If the Governor is opposed to calling for either new sources of funding or increases in existing sources to fund your proposal, you must somehow convince the Governor either to reallocate state dollars or to work on the basis that revenue growth will be adequate.

Show the Governor that a move on your behalf will be in the Governor’s political interest. Then get the public to support your position. The best indicator that the Governor’s political interest is being served is a strong endorsement by the public.

CHAPTER THREE: NOTES

The content of this chapter is based on information from the following sources:

Advisory Commission On Intergovernmental Re-
Richard G. Sheridan, Economic Development as the Path to Budget Reform (Cleveland, Ohio: College of Urban Affairs, Cleveland State University, 1984).
Richard G. Sheridan, Perplexing Paradoxes and New Beginnings: Redeveloping Ohio By Effective Development of Its Human Resources (Cleveland, Ohio: 1983).
Richard G. Sheridan, State Budgeting In Ohio (Cleveland, Ohio: College of Urban Affairs, Cleveland State University, 1983).
WHAT ARE BLOCK GRANTS?

Block grants are a federal funding mechanism under which monies are provided to state or local governments for use in a broad program area (e.g., social services, preventive health, energy assistance). They are characterized by large recipient discretion in the use of funds and by greatly reduced federal involvement in program design, management, and delivery.

Block grants have changed the relationship between citizens' groups and state and local government. They offer new opportunities for citizens' groups wishing to influence public policy. Under block grants, there are more public hearings on program and funding policy and more citizens advisory committees than before. Block grants bring program decision-making closer to home — to state and local officials rather than federal officials. They give policymakers greater flexibility to shape programs, and, in turn, they provide more room for citizens' groups to advocate on behalf of their particular interests.

Because of these new opportunities at the state and local levels, the federal government plays a limited but nonetheless important role in block grant policy. States must submit block grant plans to the federal government, which appropriates federal monies and monitors implementation of the plans. As one block grant advocate stresses, "It would be a mistake to get so locked into state and local advocacy that we completely ignore the responsibilities of the federal government under block grants."

Block grants actually occupy a middle ground in the federal funding system. They offer more recipient discretion than categorical grants, but less recipient discretion and more federal involvement than general revenue sharing.

Categorical grants generally place the greatest restrictions on state and local decision-making. For instance, they may require the recipient unit of government to target a specified portion of the funds to certain populations, or they may require that the funds be earmarked for certain services. Federal child welfare (Title IV-B) funding for services, such as adoptions and foster care, is an example of a categorical grant to the states. Until block grants became the widespread method of funding health and human service programs, categorical grants were the most prevalent method of funding.

General revenue sharing virtually removes any restrictions on state and local governments. Unlike categorical grants and block grants, it is a totally "no strings" funding mechanism. It allows states and localities to use federal funds for just about any legitimate purpose, in a sense subsidizing the general operation of recipient units of government. General revenue sharing has had limited application to the funding of health and human service programs.
Block grants generally place some limited restrictions on state and local decision-making. They give broad discretion to recipient units of governments on the use of funds and occasionally provide specific conditions for the receipt of funds. For example, under the Maternal and Child Health Block Grant the state must spend three dollars of state funds for each four dollars of federal funds.

Block grants also set parameters around broad program areas. For example, Social Service Block Grant funds must be spent within five broad nationally set goals: (1) achieving and maintaining economic self-support to prevent, reduce, or eliminate dependency; (2) achieving or maintaining self-sufficiency, including reduction or prevention of dependency; (3) preventing or remedying neglect, abuse, or exploitation of children and adults unable to protect their own interests, preserving, rehabilitating, or reuniting families; (4) preventing or reducing inappropriate institutional care by providing for community-based care or other forms of less intensive care; or (5) securing referral or admission for institutional care when other forms of care are not appropriate, or providing services to individuals in institutions.

**WHAT ARE THE STRENGTHS AND WEAKNESSES OF BLOCK GRANTS?**

There are pros and cons to block grants. The specific strengths of block grants historically voiced by proponents include the following:

- Block grants simplify the way the federal government funds programs. Through the consolidation of funding for different programs and the elimination of many federal requirements, block grants are intended to streamline delivery and to curb the historic fragmentation and duplication of the federal categorical grant system.

- Block grants return decision-making to state and local communities. Because states and localities are closer to recipients and to problems, they are better able to define needs, prioritize services, manage programs, and deliver services.

- Block grants balance national and local interests. Because block grants occupy the middle ground in recipient discretion, they balance the federal interest in a certain degree of uniformity and the local interest in flexibility to shape programs.

Critics have cited certain weaknesses of block grants. The major shortcomings most commonly include the following:

- Block grants reduce federal involvement and oversight. In the absence of a clear federal role in program management, there is a danger that the national interest in solving particular health and human service problems is lost or at least diluted.

- Block grants tend to shift financial burdens from the federal government to the states and localities. While block grants reduce federal management responsibilities, they may expand the administrative duties and costs borne by the recipient unit of government.

- Block grants tend to produce more intense competition among interest groups for limited resources. Because block grants lump previously separate programs and funding into one broad functional area, they tend to pit several interest groups against one another for the same limited pool of resources. They also make it more difficult for the competing interest groups to collect specific program information since previously separate programs are now lumped into a single block grant.

Block grants offer challenges for citizens' groups. They provide new opportunities not previously available under the categorical grant system. Block grants allow for increased citizen participation through greatly expanded public hearings and advisory committees. Block grants also challenge citizens' groups to advocate effectively on behalf of their interests where federal standards and safeguards no longer exist.

**WHAT SHOULD CITIZENS' GROUPS KNOW ABOUT OHIO BLOCK GRANTS?**

Citizens' groups should know the following about block grants: the basics about the block grants that Ohio currently administers, federal and state block grant requirements, the settings for block grant decision-making, and the basic steps in block grant policy development.

**OHIO BLOCK GRANTS**

Citizens' groups should first be aware of the block grants that Ohio presently administers. The federal Omnibus Budget Reconciliation of 1981 created nine health, education, and human service block grants consolidating 57 categorical programs. A year later, Congress adopted a tenth block grant, the Job Training Partnership Act. Ohio currently administers nine of these federal block grant programs since the state decided to allow the federal government to continue to administer the Primary Care Block Grant. The nine block grants that Ohio does administer, the date each became effective in Ohio, and the programs consolidated within each are illustrated in Table 4.1.
Table 4.1: Ohio Health, Education, And Human Services Block Grants

<table>
<thead>
<tr>
<th>BLOCK GRANT</th>
<th>DATE EFFECTIVE</th>
<th>PROGRAMS CONSOLIDATED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol, Drug Abuse, &amp; Mental Health</td>
<td>October 1981</td>
<td>Community Mental Health Center Services, Drug Abuse Prevention and Treatment, Alcoholism Prevention and Treatment</td>
</tr>
<tr>
<td>Community Development (Small Cities)</td>
<td>April 1982</td>
<td>“Small Cities” Portion of Community Development Block Grant</td>
</tr>
<tr>
<td>Community Services</td>
<td>October 1981</td>
<td>Community Action Agency Grants</td>
</tr>
<tr>
<td>Elementary &amp; Secondary Education</td>
<td>July 1982</td>
<td>29 Small Programs Authorized Under the Elementary and Secondary Education Act (ranging from Basic Skills Improvement to School Library Resources)</td>
</tr>
<tr>
<td>Job Training Partnership Act (JTPA)</td>
<td>October 1983</td>
<td>Comprehensive Employment &amp; Training Act (CETA)</td>
</tr>
<tr>
<td>Low Income Energy Assistance (HEAP)</td>
<td>October 1981</td>
<td>Home Energy Assistance Program (HEAP)</td>
</tr>
<tr>
<td>Maternal &amp; Child Health</td>
<td>October 1981</td>
<td>Crippled Children’s Services, Maternity Counseling, Genetic Testing and Counseling, Lead-Based Paint Poisoning Prevention, SSI Disabled Children’s Service, Maternal and Child Health, Family Planning Services</td>
</tr>
<tr>
<td>Preventive Health &amp; Health Services</td>
<td>October 1981</td>
<td>Rodent Control (now eliminated in Ohio), Fluoridation, High Blood Pressure, Health Incentive, Home Health, Emergency Medical Services, Risk Reduction &amp; Health Education, Rape Crisis</td>
</tr>
<tr>
<td>Social Services</td>
<td>October 1981</td>
<td>Title XX Social Services, Child Day Care, Training</td>
</tr>
</tbody>
</table>

FEDERAL AND STATE REQUIREMENTS

The fundamental requirements of block grants are described below and summarized in Table 4.2:

- **Matching Requirements:** Matching requirements mandate that the states bear a minimum share of program costs as a condition for receiving federal funds. They typically require that the recipient unit of government pay a specified portion of the total program costs in return for federal financial support. They ensure that states have an investment in program maintenance, and they spread program costs. Matching requirements could, however, prevent needy states from receiving federal money because they are unable to generate the match. Column (A) on Table 4.2 illustrates the breakdown of matching requirements under the current Ohio block grants.

- **Maintenance Of Effort:** Under maintenance of effort, the federal government requires the state to maintain at least a designated prior year level of funding. In addition, maintenance of effort requirements prevent a state from using federal funds as a substitute or replacement for a state commitment. However, they could inhibit state flexibility in the use of state funds. Column (B) on Table 4.2 shows the maintenance of effort requirements for Ohio block grants.

- **Administrative Cost Limits:** Several of the nine block grants administered by Ohio contain restrictions on the portion of federal monies that can be used to cover state administrative expenses. Administrative cost limits assure that the greatest portion of block grant funds pass through to local service levels. They enhance the likelihood that funds are service focused. Difficulty in defining what is meant by “administrative costs,” however, poses some problems. And limits on the amount of funds that are used for state functions could impair the state’s ability to meet grow-
ing management responsibilities under block grants. Column (C) on Table 4.2 shows the administrative cost limits of Ohio block grants.

- **Funds Transfer:** In some instances, the federal government allows the state to transfer a specified portion of its block grant funds to other programs. The transfer of funds gives states greater flexibility to address their priority needs. At the same time, this provision could result in a shift from a needy service area that either does not have strong proponents or does not meet state priority guidelines. Column (D) on Table 4.2 illustrates the transferability of funds among Ohio block grants.

- **Targeting:** Targeting means the state is required to direct a specified portion of block grant funds to geographic areas or population groups of greatest need. It guarantees that the most economically depressed localities and most needy populations receive a designated share of the block grant funds. The principal drawback in targeting lies in devising an equitable formula that is acceptable to all parties in the political arena since targeting necessitates that some client groups and localities will receive a smaller share of funds than others. Column (E) on Table 4.2 shows the targeting requirements of Ohio block grants.

- **Service Requirements:** The federal government occasionally will mandate that states provide certain services or that a specified portion of block grant funds be earmarked for designated services. Service requirements protect federal program interests and diminish competition among special interest groups for limited resources. Mandating services or earmarking funds, however, restricts the ability of state government to align resources with state priorities. Column (F) on Table 4.2 shows the service requirements among Ohio block grants.

These are only the basic features of Ohio block grants. In reality citizens' groups should have a much deeper understanding of the block grants relevant to their constituency. They should amass information pertaining to their issue, dig up facts and figures, and keep track of changes in block grant policy. As one knowledgeable advocate emphasizes, "Nothing can substitute for doing your homework."

Several sources, inside and outside of state government, are available to assist citizens' groups in gathering more in-depth information for their advocacy activities. For instance, citizens' groups can go to their constituents to gather information on block grant policy, to collect data in support of desired changes, or to gain support for maintaining the status quo.

Citizens' groups also can call the state agency administering the block grant in their area of interest to obtain a written report on the use of funds and the services provided. And if the state department has access to relevant local data, citizens' groups can urge the department to compile the data. As one experienced advocate points out, "Local departments keep records on data that can be helpful in defining the need for expanded services statewide. However, you frequently must ask the state department to compile the information."

### Table 4.2: Selected Block Grant Requirements — Federal and State*

<table>
<thead>
<tr>
<th>Block Grant</th>
<th>(A) Matching Requirements</th>
<th>(B) Maintenance Of Effort</th>
<th>(C) Administrative Cost Limits</th>
<th>(D) Funds Transfer</th>
<th>(E) Targeting</th>
<th>(F) Service Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol, Drug Abuse, &amp; Mental Health</td>
<td>Federal</td>
<td>Federal funds</td>
<td>Up to 7% for Preventive Health Services &amp; Maternal &amp; Child Health</td>
<td>Federal</td>
<td>With mental health portion, at least 35% must go to alcohol abuse, 35% must go to drug abuse, and 20% must go to prevention and early intervention</td>
<td>With alcohol and drug abuse portion, at least 35% must go to alcohol abuse, 35% must go to drug abuse, and 20% must go to prevention and early intervention</td>
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<tr>
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<td>No provision</td>
<td>Federal funds</td>
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* Continued on next page
### Table 4.2: Selected Block Grant Requirements — Federal and State (Cont’d.)

<table>
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<tr>
<th>Block Grant</th>
<th>(A) Matching Requirements</th>
<th>(B) Maintenance Of Effort</th>
<th>(C) Administrative Cost Limits</th>
<th>(D) Funds Transfer</th>
<th>(E) Targeting</th>
<th>(F) Service Requirements</th>
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<td>Consistent with</td>
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<td>Community Development</td>
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<td>(Small Cities)</td>
<td>No provision</td>
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<td>2%</td>
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<td>No provision</td>
<td>Limit on local recipients</td>
<td>No provision</td>
<td>No provision</td>
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</table>

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Table 4.2: Selected Block Grant Requirements — Federal and State (Cont’d.)

<table>
<thead>
<tr>
<th>Block Grant</th>
<th>(A) Matching Requirements</th>
<th>(B) Maintenance Of Effort</th>
<th>(C) Administrative Cost Limits</th>
<th>(D) Funds Transfer</th>
<th>(E) Targeting</th>
<th>(F) Service Requirements</th>
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<tbody>
<tr>
<td>Community Services</td>
<td>Federal</td>
<td>No provision</td>
<td>Federal</td>
<td>Federal</td>
<td>Federal</td>
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<tr>
<td>State</td>
<td>No provision</td>
<td>No provision</td>
<td>Consistent with federal require-</td>
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<tr>
<td>Elementary &amp; Secondary Education</td>
<td>Federal</td>
<td>No provision</td>
<td>Federal funds must be used to supplement state, local, and other non-federal funds</td>
<td>No limit</td>
<td>No provision</td>
<td>Federal</td>
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<td>No provision</td>
<td>Consistent with federal requirements</td>
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<tr>
<td>Job Training Partnership Act (JTPA)</td>
<td>Federal</td>
<td>Training Services for Disadvantaged (Title II) — 50% for vocational education programs Dislocated Workers (Title III) — 50% match unless state unemployment exceeds national average — then reduced by 10% for each 1% greater than national average (Ohio at 40% in 1984)</td>
<td>No provision</td>
<td>Federal</td>
<td>Federal</td>
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### Table 4.2: Selected Block Grant Requirements — Federal and State (Cont’d.)

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<thead>
<tr>
<th>Block Grant</th>
<th>(A) Matching Requirements</th>
<th>(B) Maintenance Of Effort</th>
<th>(C) Administrative Cost Limits</th>
<th>(D) Funds Transfer</th>
<th>(E) Targeting</th>
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<td><strong>Federal</strong></td>
<td>No provision</td>
<td>No provision</td>
<td>Up to 20%</td>
<td>Benefits only</td>
<td>Federal</td>
<td>Federal</td>
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<tr>
<td><strong>Low Income Energy Assistance</strong></td>
<td>Federal</td>
<td>Federal</td>
<td>Social services block grant</td>
<td>to recipients of</td>
<td>Federal</td>
<td>Federal</td>
</tr>
<tr>
<td><strong>(HEAP)</strong></td>
<td></td>
<td></td>
<td>community services block grant</td>
<td>SSI, AFDC,</td>
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<td>At least 85% of</td>
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<td></td>
<td></td>
<td></td>
<td>any of the three Ohio</td>
<td>food stamps,</td>
<td></td>
<td>funds must go to</td>
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<td></td>
<td></td>
<td></td>
<td>energy assistance</td>
<td>veterans pensions,</td>
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<td>help low-income</td>
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<td>households with</td>
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<td>households meet</td>
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<td>income below</td>
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<td>energy cost (includes</td>
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<td>150% of federal</td>
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<td>state administrative</td>
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<td>poverty or 60%</td>
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<td>of state median</td>
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<td>Up to 15% can be used</td>
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<td><strong>Maternal &amp; Child Health</strong></td>
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<td>households with incomes less</td>
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<td>Reasonable portion of</td>
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<td><strong>(HEAP)</strong></td>
<td></td>
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<td>than 150% of federal poverty</td>
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<td>funds, based on prior</td>
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<td>— maximum benefit goes to</td>
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<td>must be used for</td>
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<td>than 50% of federal poverty</td>
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Table 4.2: Selected Block Grant Requirements — Federal and State (Cont’d.)

<table>
<thead>
<tr>
<th>Block Grant</th>
<th>(A) Matching Requirements</th>
<th>(B) Maintenance Of Effort</th>
<th>(C) Administrative Cost Limits</th>
<th>(D) Funds Transfer</th>
<th>(E) Targeting</th>
<th>(F) Service Requirements</th>
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</thead>
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<tr>
<td>Preventive Health &amp; Health Services</td>
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<td>Federal</td>
<td>Federal</td>
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<td>Federal</td>
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<td></td>
<td>No provision</td>
<td>Federal funds must be used to supplement state, local, and other non-federal funds</td>
<td>10%</td>
<td>Up to 7% to two other health block grants and to the social services block grant</td>
<td>No provision</td>
<td>Certain portion of funds must be earmarked for rape prevention programs</td>
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<td>Consistent with federal requirements</td>
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<td>Consistent with federal requirements</td>
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<td>No provision</td>
<td>Consistent with federal requirements</td>
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<td>No provision</td>
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<td>Consistent with federal requirements ($170,000 in 1984)</td>
</tr>
<tr>
<td>Social Services</td>
<td>Federal</td>
<td>Federal</td>
<td>Federal</td>
<td>Federal</td>
<td>Federal</td>
<td>Federal</td>
</tr>
<tr>
<td></td>
<td>No provision</td>
<td>No provision</td>
<td>No limit</td>
<td>Up to 10% to the three Ohio health block grants and low-income energy assistance</td>
<td>No provision</td>
<td>No provision</td>
</tr>
<tr>
<td></td>
<td>State</td>
<td>No provision</td>
<td>State</td>
<td>Consistent with federal requirements</td>
<td>State</td>
<td>Consistent with federal requirements</td>
</tr>
<tr>
<td></td>
<td>Requires a variable match on counties, currently from 1% to 25%</td>
<td>No provision</td>
<td>State</td>
<td>All federal funds must be appropriated as follows: 72.50% — Ohio Department of Human Services; 12.93% — Ohio Department of Social Services; 10% limit on counties (does not apply to administrative costs associated with delivery of services)</td>
<td>State</td>
<td>Of federal monies appropriated by the Ohio Department of Human Services to local human service departments, allocations</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>State</td>
<td>At least 75% of persons served must be recipients of ADC, CR, SSI, and Medicaid; persons age 60 and over; and families and individuals</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Continued on next page
Table 4.2: Selected Block Grant Requirements — Federal and State (Cont’d.)

<table>
<thead>
<tr>
<th>Block Grant</th>
<th>(A) Matching Requirements</th>
<th>(B) Maintenance Of Effort</th>
<th>(C) Administrative Cost Limits</th>
<th>(D) Funds Transfer</th>
<th>(E) Targeting Requirements</th>
<th>(F) Service Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>individuals whose income and resources are less than 150% of the state minimum standard of need (this is exclusive of day care services, homemaker and home health services, information and referral services, protective services, and alcoholism and drug abuse services)</td>
<td>towns must be made as follows: 20% — child day care; 36% — county administration and direct services; 40% — purchase of service and county department direct services; 2% — training (remaining 2% goes to state administration)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Counties must provide at least one service toward meeting each of the five national goals and at least three services for recipients of SSI</td>
<td></td>
</tr>
</tbody>
</table>

*Be sure to contact the appropriate state department for more detailed and updated information.*

**DECISION-MAKING SETTINGS**

In addition to understanding block grant requirements, citizens’ groups should be familiar with the decision-making settings that are described below and summarized in Table 4.3:

- **Lead State Agency:** Each of the block grants has a lead state agency (state department) responsible for developing state plans and setting policy direction. Citizens’ groups can have input with the lead state agencies. Therefore, citizens’ groups should learn as much as possible about the lead state agency and staff overseeing the block grant of particular interest to its constituency. The lead state agency responsible for coordinating the development of policy for each Ohio block grant is listed in Column (A) on Table 4.3.

  Two of the Ohio block grants also have associated agencies that cooperate with the lead agency in developing block grant policy. They are (1) the Social Services Block Grant (lead agency: Department of Human Services; associated agencies: Department of Mental Health and Department of Mental Retardation and Developmental Disabilities) and (2) the Alcohol, Drug Abuse, and Mental Health Block Grant (lead agency: Department of Mental Health; associated agency: Department of Health).

- **Special Task Forces:** Occasionally, the lead agency will set up a special, ad hoc task force to advise the department on a specific block grant issue or to make recommendations on the overall transition from a categorical to a block grant program. This is another opportunity for citizen input. The Ohio Department of Human Services, for instance, created a statewide task force to study and make recommendations for redesigning the state Title XX social service system. The impetus for setting up the task force came from the new flexibility under the Social Service Block Grant. An example of how this task force operated is given in the final section of this chapter.

- **Citizens Advisory Committees:** In all of the block grants administered by Ohio, the lead state agency has set up a citizens advisory committee to work with staff in developing the state plan. These committees, which vary in composition (private citizens, public officials, interest groups) and size among Ohio block grants, have been a focal point for citizen input. They generally have played a key role in shaping state block grant policy. Column (B) on Table 4.3 lists the name of each Ohio block grant citizens advisory committee.

- **Legislative Oversight:** The Joint Legislative Committee on Federal Funds is the major body for
General Assembly oversight of federal grant programs. This legislative committee was set up specifically to give the General Assembly a greater role in state block grant policy. It operates in a non-binding advisory capacity to the State Controlling Board and the General Assembly. The specific duties of the Joint Legislative Committee on Federal Funds are listed in Am. Sub. H.B. No. 291. The duty that pertains to the block grant process can be found in Am. Sub. H.B. No. 291, Section 137(F). This duty states that the Joint Legislative Committee on Federal Funds must conduct public hearings, review block grant plans proposed by state agencies, make recommendations, submit reports to the General Assembly and state and federal agencies, and take any other actions that are necessary or appropriate to participation by this state and its political subdivisions in federal block grant programs.

Legislative oversight also occurs through the budget appropriations process and through participation on the State Controlling Board. Column (C) on Table 4.3 lists the primary methods used by the General Assembly to monitor block grant policy.

> Public Hearings: Because block grants give great-

<table>
<thead>
<tr>
<th>Block Grant</th>
<th>Lead State Agency/Division</th>
<th>Citizens Advisory Committees</th>
<th>Legislative Oversight</th>
<th>Public Hearings</th>
</tr>
</thead>
</table>
| Alcohol, Drug Abuse, & Mental Health       | Department of Mental Health/Office of Policy Analyses and Resource Development (Associated Agency — Department of Health) | Alcohol, Drug Abuse, and Mental Health Block Grant Advisory Committee | Budget Appropriations process State Controlling Board Joint Legislative Committee on Federal Funds | Joint Legislative Committee on Federal Funds holds one hearing on one year plan
| Community Development (Small Cities)       | Department of Development/Office of Local Government Services | Community Development Block Grant Program Advisory Committee | Budget Appropriations process State Controlling Board Joint Legislative Committee on Federal Funds | Joint Legislative Committee on Federal Funds holds at least one hearing Four regional hearings Grantee agencies hold at least two hearings
| Community Services                         | Department of Development/Office of Community Services | Community Services Block Grant Advisory Committee | Budget Appropriations process State Controlling Board Joint Legislative Committee on Federal Funds | Joint Legislative Committee on Federal Funds holds at least one hearing Local agencies hold public needs assessment meeting before developing plan and publicize availability of plan and encourage comment
| Elementary & Secondary Education           | Department of Education/Division of Educational Services, Block Grant/Basic Skills Section | Governor's State Advisory Committee on Elementary and Secondary Education Block Grants | Budget Appropriations process | Advisory Committee holds hearing prior to adoption of three-year plan Written comments accepted from school superintendents and the general public |

Table 4.3: Ohio Block Grant Decision-Making Settings

Continued on next page
er discretion to state and local decision-makers, the federal government or the state often require that the general public be given an opportunity to comment on the state block grant plan. At the state level, public hearings generally are held either under the auspice of the lead agency or Joint Legislative Committee on Federal Funds. Local hearings vary among block grants and are sponsored by such local entities as health departments, county mental health boards, and private industry councils (PIC’s). Column (D) on Table 4.3 summarizes the public hearing activities of the Ohio block grants.

These decision-making settings represent the formal channels in which citizens’ groups can influence block grant policy. But citizens’ groups should not underestimate the power of informal channels. Personal relationships and a working history built on trust with key members of the state administration, citizens advisory committees, and key legislative committees can make the difference between the success or failure of a block grant advocacy effort.

### Table 4.3: Ohio Block Grant Decision-Making Settings (Con’t.)

<table>
<thead>
<tr>
<th>Block Grant</th>
<th>Lead State Agency/Division</th>
<th>Citizens Advisory Committees</th>
<th>Legislative Oversight</th>
<th>Public Hearings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Training Partnership Act (JTPA)</td>
<td>Ohio Bureau of Employment Services/ JTPA</td>
<td>State Job Training Coordinating Council</td>
<td>Budget Appropriations process</td>
<td>Joint Legislative Committee on Federal Funds holds one public hearing</td>
</tr>
<tr>
<td>Low Income Energy Assistance (HEAP)</td>
<td>Department of Development/Office of HEAP</td>
<td>Energy Conservation Policy Advisory Committee</td>
<td>Budget Appropriations process</td>
<td>Six regional hearings</td>
</tr>
<tr>
<td>Maternal &amp; Child Health</td>
<td>Department of Health/Division of Maternal and Child Health</td>
<td>Maternal and Child Health Consultants Group</td>
<td>Budget Appropriations process</td>
<td>Joint Legislative Committee on Federal Funds holds one hearing</td>
</tr>
<tr>
<td>Preventive Health &amp; Health Services</td>
<td>Department of Health/Bureau of Preventive Medicine</td>
<td>Preventive Health and Health Services Block Grant Policy Committee</td>
<td>Budget Appropriations process</td>
<td>Joint Legislative Committee on Federal Funds holds one hearing</td>
</tr>
<tr>
<td>Social Services</td>
<td>Department of Human Services/Bureau of Planning and Analysis</td>
<td>State Social Service Advisory Committee (Department of Human Services portion of block grant only)</td>
<td>Budget Appropriations process</td>
<td>Department of Human Services holds hearings on proposed plan</td>
</tr>
<tr>
<td>(Associated Agencies</td>
<td>Department of Mental Health and Department of Mental Retardation and Developmental Disabilities)</td>
<td>County Human Services Advisory Boards (Department of Human Services portion of block grant only)</td>
<td>State Controlling Board</td>
<td>County Human Services Advisory Boards hold local hearings</td>
</tr>
</tbody>
</table>

Joint Legislative Committee holds public hearings, reviews and adopts state plan
House Human Resources Committee holds public hearings if major questions on plan

Joint Legislative Committee on Federal Funds holds hearings if major questions on plan
BASIC STEPS OF POLICY DEVELOPMENT

Block grant policy ultimately is embodied in the state plan. The state plan for each block grant generally describes the goals and objectives of the state, how funds will be distributed, and the activities to be funded. While the specific steps and timetable for preparing the state plan vary among block grants, there are general steps common to those administered by Ohio. Citizen advocacy, whether through departmental advisory groups or legislative oversight committees, generally focuses around the development of the state block grant plan. The steps most common to Ohio block grants are depicted in Chart 4.1.

Citizens' groups should begin formulating and acting on their block grant strategies at the earliest possible time in the development of state policy, preferably while departmental staff is still reviewing the prior year's state plan. This may not guarantee success, but it at least ensures that the citizens' group's ideas will be heard before departmental proposals are solidified by departmental staff.

Table 4.4 illustrates the timetable for policy development within each Ohio block grant and how often this takes place. Citizens' groups should keep in mind that policy development is an ongoing and fluid process; there is no discrete beginning and ending point, and it cannot be confined to specific timetables and preparation steps. Table 4.4, therefore, should be used as a guideline for the period of intensive policy development within each block grant. Advocates should check with the department administering the block grant in their area of interest or with the Joint Legislative Committee on Federal Funds to verify the timetable and frequency.

Table 4.4: Ohio Block Grant Policy Development Timetable

<table>
<thead>
<tr>
<th>Block Grant</th>
<th>Timetable</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol, Drug Abuse, &amp; Mental Health</td>
<td>July through September</td>
<td>Once a year</td>
</tr>
<tr>
<td>Community Development (Small Cities)</td>
<td>December through March</td>
<td>Once a year</td>
</tr>
<tr>
<td>Community Services</td>
<td>January through September</td>
<td>Once a year</td>
</tr>
<tr>
<td>Elementary &amp; Secondary Education</td>
<td>December through March</td>
<td>Once every three years</td>
</tr>
<tr>
<td>Job Training Partnership Act (JTPA)</td>
<td>November through May</td>
<td>Once every two years</td>
</tr>
<tr>
<td>Low Income Energy Assistance (HEAP)</td>
<td>May through August</td>
<td>Once a year</td>
</tr>
<tr>
<td>Maternal &amp; Child Health</td>
<td>March through August</td>
<td>Once a year</td>
</tr>
<tr>
<td>Preventive Health &amp; Health Services</td>
<td>October through August</td>
<td>Once a year</td>
</tr>
<tr>
<td>Social Services</td>
<td>September through June</td>
<td>Once every two years</td>
</tr>
</tbody>
</table>

Chart 4.1: Basic Steps In Ohio Block Grant Policy Development

1. Lead Agency Staff Review Previous Year's Plan
2. Lead Agency Staff Work With Citizens Advisory Committee In Preparing First Draft Of Plan
3. Citizens Advisory Committee Reviews Draft Plan And Makes Recommendations For Changes
4. Local Or Regional Agencies Hold Hearings On Draft Plan
5. Legislative Oversight Committees (e.g., Joint Legislative Committee On Federal Funds) Conduct Hearings And Make Final Recommendations
6. Lead Agency Makes Final Revisions And Prepares Final Plan
7. Governor Approves And Sends Final Plan To Federal Government
8. Lead Agency May Seek Revisions In State Plan After Governor Sends It To Federal Government — Prior To Any Major Revisions, The Joint Legislative Committee On Federal Funds Generally Conducts Public Hearings
Once citizens' groups have obtained relevant information pertaining to a particular block grant, they can begin making contact with state department officials. The most effective timing for this will vary among the block grants, but efforts should begin shortly before or at least at the start of the department's internal processes. Citizens' groups should set up an appointment with influential persons within the state administration and with agency block grant coordinators to understand departmental policy direction and to share their own views. Influential state administrators suggest that the most effective approach at this stage is one stressing common goals and objectives (i.e., how advocates and state officials can work together to achieve a shared agenda).

State officials unanimously emphasize the importance of citizens advisory committees in influencing block grant policy. Citizens advisory committees have become the major funnel through which persons outside of state government can have input on significant policies. Citizens' groups, therefore, should seek appointment to these committees. For the most part, appointment to citizens advisory committees is made by the director of the state department or a top level block grant administrator. Citizens' groups that are not represented on these committees should keep abreast of the committee proceedings and meet with the leadership and key members. They can obtain an up-to-date membership list, information on the department's appointment policy, and a schedule of meetings by calling the appropriate state department.

According to several state administrators, the Joint Legislative Committee on Federal Funds also has been a successful means by which citizens' groups influence state block grant plans. Citizens' groups, therefore, should not stop with the state department or the citizens advisory committee. They also must carry their advocacy through to the legislature.

Citizens' groups should prepare and give testimony to the Joint Legislative Committee on Federal Funds. Before providing formal testimony, however, citizens' groups should build support for their point of view among key members of the Joint Legislative Committee. At a minimum, citizens' groups should meet with the leadership of the Joint Legislative Committee, legislators from their own delegation, and legislators' staff. Note that the Chairperson of the Joint Legislative Committee alternates between the Ohio House and Senate annually.

As one experienced citizen advocate stresses, "Testimony at public hearings is a necessary part of successful advocacy. But even more important is all the groundwork done beforehand. This builds support and avoids surprises." Citizens' groups can call the Chairperson of the Joint Legislative Committee on Federal Funds to obtain a current list of members and hearing schedule.

The ultimate responsibility for Ohio block grant policy rests in the Governor's office. In particular, the Governor's Office of Human Services has played a key role in certain situations in preparing, coordinating, and designing state block grant policy. Therefore, citizens' groups should strive to build a relationship with members of the Governor's staff and share their concerns early in the policy development process; they should not wait until after the state department prepares its final plan.

**HOW CAN BLOCK GRANT POLICY BE INFLUENCED?**

There is no pat formula or step-by-step guide guaranteeing success in block grant advocacy. What works in one situation may not work in another. Much depends on the specific circumstances in which advocacy takes place:

- the relationships and working history of the persons involved,
- who is for and who is against the proposal,
- the strength of the argument for a given proposal and the force of the argument against it,
- where in the policy development process advocacy begins,
- whether the proposal will cost the state additional resources or simply change a program policy,
- the advocacy and negotiation skills of the propositional proponents,
- the extent to which a given proposal is consistent with or at least not in direct conflict with the interests of key policy-makers.

No compilation of examples, set of principles, or list of recommendations could possibly exhaust the prescriptions that exist under block grant advocacy because there are always new situations and changing circumstances. Too many unforeseen political factors, such as changes in the federal and state administrations or increased pressure from competing constituent groups, can affect the outcome of an advocacy effort. There are, however, two key elements to any advocacy effort: building coalitions and negotiating positions.

**BUILDING COALITIONS**

Building coalitions with other citizens’ groups is essential. In most advocacy situations, citizens’ groups join with groups that share common goals and similar interests (the formation of coalitions is discussed in Chapter Five).

There are numerous illustrations of citizen input through coalitions that have successfully resulted in block grant policy changes. Two examples are presented below.
**Example No.1**

A coalition of advocacy groups was successful in influencing the issue of whether the state should provide recipients with a fixed amount or percent credit under the Low Income Assistance Block Grant. The state department preferred a fixed amount, regardless of how much the recipient had to pay monthly in utility bills. Low income groups and gas companies wanted a percent credit, where the amount provided would vary depending on the amount of the recipient's utility bills. The groups supporting a percent credit successfully presented their views, culminating at hearings sponsored by the Joint Legislative Committee on Federal Funds. The Joint Legislative Committee included the percent credit as part of its recommendations to the legislature, and it ultimately became part of the state department's final plan.

One factor stands out as a significant reason for these successful results: Two advocacy groups — low income organizations and utility companies — had a common interest in maximum energy payment. They organized their respective constituencies and made their views known in administrative and legislative settings.

**Example No.2**

A major issue of controversy during the development of the Community Development (Small Cities) Block Grant state plan for 1983 (public works program only) was whether Ohio should allocate funds to grantees based on a formula or a competitive arrangement. Ohio is the only state in the country with a formula system. The state department and the block grant citizens advisory committee preferred to phase in a competitive process. Under the competitive process, larger chunks of money would likely go to fewer grantees, presumably those who demonstrated the greatest need. From the department's point of view, the competitive process would allow the state to have a greater and more noticeable impact in fewer areas rather than spreading the dollars thin throughout the state.

Several smaller counties, however, favored the formula where all grantees would at least be guaranteed a certain portion of block grant funds, regardless of how small the allocation. At hearings sponsored by the Joint Legislative Committee on Federal Funds, advocacy groups successfully spoke on behalf of the formula allocation system. The Joint Legislative Committee struck down the competitive process proposal for the public works program recommended in the state department's proposed plan.

Counties that would benefit from a formula system primarily consisted of smaller, non-urban localities. In this situation advocacy groups from these counties organized a coalition to promote their point of view. These counties historically have banned together when it serves their collective interest. In this instance, forming a coalition around a single issue and making their views known to the state administration and the legislature helped the smaller counties achieve success.

The Joint Legislative Committee on Federal Funds was the culmination point for the successful advocacy strategies used in the two examples above. As one Joint Legislative Committee Chairperson commented, "In those instances where citizens' groups had an opportunity for input and the Joint Legislative Committee recommended policy changes, the state department followed through." This stresses the growing importance of the legislative oversight function. However, citizens' groups should bear in mind that in the two illustrations advocacy did not begin with the Joint Legislative Committee. Citizens' groups expressed their concerns throughout the development and approval of the state block grant plans, from meetings with lead agency staff to formal and informal conferences with state legislators. They organized their constituencies, informed policy-makers as to the consequences of the alternative to their position, and persistently held to their point of view regardless of the frustrations along the way.

Occasionally, citizens' groups have been successful in influencing block grant policy before a decision by the Joint Legislative Committee. Citizens advisory committees can be an important aspect of policy development as shown in the following illustration.

**Example No.3**

In 1982, the federal government reduced Ohio's allocation for programs contained in the Maternal and Child Health Block Grant by 30 percent. Several advocacy groups, such as the Children's Defense Fund — Ohio, argued that this funding loss would have a detrimental effect on services to pregnant women and their children. Nearly 60 groups joined in a statewide coalition to obtain increased state dollars to compensate for the federal loss and to establish maternal and child health care clinics in all 88 Ohio counties (only 28 counties had such clinics).

The coalition began by defining the need for services. It gathered existing data showing the extent
to which the needs of pregnant women and their children in Ohio were not being met. This information was then presented to the block grant citizens advisory committee which, in turn, made the recommendations to the state department for increased state allocations and comprehensive state programming.

The state department accepted the advisory committee recommendations. The Governor then took the recommendations into account in making his budget requests to the state legislature. Consequently, Ohio increased its financial commitment for maternal and child health care and initiated an effort to provide services in every county. This effort was successful for the following reasons. First, a statewide coalition was formed. Second, the coalition gathered sufficient and persuasive information to demonstrate the need clearly. Third, the coalition proposed a solution and actively sought to implement the budget request and program initiatives.

Not all attempts to affect block grant policy have worked so well. For example, in one final Joint Legislative Committee report, the Chairperson wrote, “For the most part the recommendations (of the Joint Legislative Committee members) were nominally accepted by the agencies. Recommendations that could easily be accommodated were inserted in the final plan; however, the more substantive recommendations were ignored.” Later in the report, the Chairperson summed up the Joint Legislative Committee’s feelings: “The Committee often felt the review process to be an exercise in futility when it became apparent that the lead agencies were going to do the things the way they wanted to. Yet in spite of all the difficulties, the Committee did force the issue of deciding how federal funds should be spent in the public domain, providing ample opportunity for public participation.”

Further, as one block grant administrator comments, “Political reality suggests that important decisions tend to be made behind closed doors in an executive session. However, policies can be changed by citizens’ groups who are willing to use their influence effectively to overcome these obstacles.”

If through experience citizens’ groups learn that important decisions really have been made in closed sessions or have been dominated by powerful interest groups, they should try to develop strategies for countering this trend. They should attempt to make decision-makers more sensitive to their viewpoint. This is not easy, but it can be done by forming coalitions with the other advocacy groups who support your point of view, by building a case with supportive data, by cultivating positive relationships with state administrators and state legislators early in the policy development process, by applying pressure when necessary, and by knowing how and when to negotiate your position.

### NEGOTIATING POSITIONS

Whenever advocates try to convince policy-makers to accept their proposals, they are in a sense sitting at a negotiation table. As an advocate, you are generally trying to persuade others that your proposal deserves a favorable reaction; you are trying to get them to agree with your point of view or at least reach an agreement that accommodates your needs.

In most advocacy situations, including block grant advocacy, there is give and take. Rarely are advocates in a situation where there is not a proposal alternative that will satisfy their interests and needs as well as those of state policy-makers. The key is to be willing to sit down with the other parties, to understand their interests and needs, to obtain an appreciation for the motivating factors that underlie their policy positions, and to work out together a proposal option that will adequately serve everyone’s interests.

Negotiation assumes that the block grant advocate has a desire to build a positive working relationship with state administrators, state legislators, and other interest groups. As one advocate states, “Negotiation assumes you are not in the game for only an inning, but that you are likely to be involved in future advocacy activities with the same players.”

Experienced advocates maintain that the single most important element in successful negotiation is understanding the other side’s point of view. Only then can citizens’ groups advocate effectively on behalf of their own interests.

Block grant policy, like any other form of governmental policy, is made by people who act based upon personal, philosophical, and political considerations. Citizens’ groups should learn about the program sympathies of policy-makers, what professional considerations motivate them, and what political factors influence their actions.

There are several ways for advocates to find out where a policy-maker stands on a given issue and why the policy-maker has taken a particular position. Citizen advocates should engage in these exercises in negotiating block grant policy:

1. **Put Yourself in Their Shoes:** The simplest method is to “put yourself in the shoes” of the decision-makers. Use conjecture to appreciate all of the factors influencing their actions. Try to answer such questions as these: What policy direction has the Governor set and how does this influence the policy-makers’ decisions? Who else does the policy-maker report to? What key constituencies is the policy-maker sensitive to? Whose opinion does the policy-maker respect? What legislative committees or community respect does the
policy-maker serve on? How has the policy-maker acted in the past on proposals similar to yours?

**Ask Questions Directly:** The most straightforward method to discover what is behind policy-makers' points of view is to ask them questions directly. Ask block grant administrators what the department's goals and objectives are for the current program year and if they are likely to change. Ask why the administrators have taken a given position or have developed a certain policy. Ask if they can help you understand their concerns and how they feel about your proposal. Listen attentively to the responses, and use the information to your advantage. The answers will help you formulate your policy proposals so they take into account the administrator's interests. For example, if an administrator suggests that the department has a priority interest in prevention programs, this is a signal for advocates to consider prevention in framing their proposals. At the very least, citizens' groups should acknowledge the department's interests in presenting their proposals and indicate that they understand the department's viewpoint, even if their proposal is inconsistent with this interest.

**Go to Secondary Sources:** Another way to find out about the interests of policy-makers is to speak to others who have dealt with them in the past. Ask members of other citizens' groups what their experience has been. Ask them if they were successful or unsuccessful in influencing block grant policy. Ask them why there was a particular outcome. Ask them what the needs, desires, and interests of the policy-makers were in their particular situation. Review past state block grant plans. What were the department's goals and objectives? How did the department allocate funds among block grant programs? The answer to these questions will give you an indication of policy-makers' and the department's past behavior. It will help you appreciate their point of view in prior advocacy situations. You can then apply this understanding to your own strategies.

In the case of state legislators, review their past voting record on block grant policies. Review past reports of the Joint Legislative Committee on Federal Funds. Attend Joint Committee and other legislative oversight committee meetings, and listen closely to the questions members ask persons giving testimony. As one advocate emphasizes, "Questions are a window to the mind; they allow you to know what issues are important to the legislator."

In many respects, negotiating with a block grant policy-maker is just like any other effort to work out an agreement. Salespersons, labor negotiators, and real estate brokers all are engaged in activities similar to the citizen advocate; they are trying to reach a mutually beneficial agreement in an effort that requires the involvement of other people. Negotiation under block grants, however, has two characteristics that distinguish it from these other situations and that can be barriers to effective negotiation. First, a policy-maker's need or desire to negotiate may not be as great as a citizens' group's need or desire. In some situations, there may be no strong or compelling interest on the part of the policy-maker to enter into negotiations or to take a citizens' group's position seriously. Second, citizens' groups may not have it within their power to gain access to block grant decision-makers. They may lack the political status or influence to make it worthwhile for the policy-maker to meet with them. While many policy-makers have a commitment to certain programs, they are not required to meet or negotiate with advocacy groups.

Two techniques that citizens' groups can use to counteract these barriers to negotiation are demonstrating widespread support for their point of view and offering support for the policy-maker's interest:

**Demonstrate Widespread Support:** If policy-makers understand that you are not alone in your position but that you are part of a coalition and have the support of other well-known and respected groups, they may be more likely to listen to your point of view. As a general rule, the broader the base of support that you can demonstrate for your position, the more power you have at your disposal to enter into and engage in negotiation. Therefore, before contacting a block grant policy-maker, it is important to contact other citizens' groups and gain their support for your position.

**Offer Support to the Policy-Maker:** You are operating in a political environment where public support for governmental policies is important to administrators and legislators. Writing positive accounts in your newsletter of actions taken by state legislators and administrators helps to build a good working relationship. Supporting departmental budget requests at legislative hearings can also be helpful. Expressing appreciation and giving recognition to state administrators and legislators at your public meetings also could enhance the possibilities for negotiation.

In addition to negotiating directly with policy-makers, sometimes it is necessary to negotiate agreement among advocacy groups before a proposal is recommended. The example on the next page illustrates this point.

Experienced advocates frequently have an alternative available in the event that efforts to reach agreement fail. This is not only good preparation but it also enhances the advocate's negotiating capability since
Example No. 4

The advent of the Social Services Block Grant enabled the Ohio Department of Human Services to create a special task force to study and to make recommendations for the total redesign of the state’s social service system. A major issue that emerged during the deliberations was whether the state should require counties to match state and federal dollars with local funds or should make a local match optional. Representatives from counties where there existed an ability to generate local dollars, both public and private, favored the match requirement. A local match requirement would ensure continued private, voluntary sector participation in the social service system, and it would broaden the funding available for services. Representatives from counties that considered themselves to be unable to raise a local match, either due to unfavorable economic conditions or lack of a strong voluntary fund-raising capability, preferred an optional match proposal. They viewed a required match as potentially punitive; if a county did not raise and commit the local match, it could lose its federal and state social service allocation.

Equally legitimate interests and concerns existed on both sides: on the one side, continuing private, voluntary participation and broadening the funding base; on the other side, avoiding a cut-off of needed federal and state dollars. Through the skilled negotiation strategies employed by supporters of both positions, a workable alternative to a required match or an optional match was ultimately developed and placed before the full task force. The position took into account the major interests of the key players; it called for a required match, but allowed for a waiver if a county could demonstrate economic hardship or an inability to raise local dollars. The negotiated agreement also allowed certain counties to continue to provide a reduced matching amount for two years.

This example demonstrates how and why successful negotiation works. If each side had not understood and taken into account the interests of the other, the proposal ultimately adopted would not have been approved by the full task force. This is not to say that both sides were completely satisfied with the results. But in this situation a reasonable compromise was reached. No one really came out a loser; both sides’ interests were addressed.

Further advocacy efforts are needed as the task force report proceeds through departmental review.
with them informally and keep the lines of communication open. Seek opportunities where you can be helpful to them.

- Organize your constituency at the state and local levels. Form and join coalitions sharing the same or similar interest.
- Keep policy-makers informed — not only of your position and interests but also of the views of others.
- Be patient and tenacious. Effective lobbying is often tedious and time-consuming with the payoff sometimes far down the road. Do not give up if at first you fail to convince others.
- Keep in close touch with national, state, and local groups sharing your views. Set up meetings to share common concerns.
- Understand the interests, needs, and desires of others involved in the advocacy situation. Put yourself in their shoes. Ask questions. Go to secondary sources.
- Develop options that satisfy your interests and the interests of the other side.
- Weigh the costs and the benefits of walking away from a negotiation and engaging in more adversarial approaches. Consider the immediate and long-term effects of escalating your tactic. Consider how not taking action might affect your credibility with your constituency.

Of course, these tips are not the last word on block grant advocacy. But citizens' groups should keep them in mind while realizing that their advocacy approaches will vary with each effort.

CHAPTER FOUR: NOTES

The content of this chapter is based on information from the following sources:


Sarah S. Austin, Block Grant Primer (Cleveland, Ohio: Greater Cleveland Roundtable, 1982).


Children's Defense Fund-Ohio, Right From the Start: Improving Health Care for Ohio's Women and Children (Columbus, Ohio: 1983).


Joint Legislative Committee on Federal Funds, Report of the Joint Legislative Committee on Federal Funds (Columbus, Ohio: 1982, 1984).


Ohio Citizens' Council, Block Grant Analysis (Columbus, Ohio: 1982).

Ohio Citizens' Council, Block Grant Briefs (Columbus, Ohio: 1981-1984).


Ohio Department of Development, State of Ohio 1984 Plan for Community Services Block Grant Program (Columbus, Ohio: 1983).

Ohio Department of Health, Preventive Health and Health Services Program FY 1984 (Columbus, Ohio: 1984).

Ohio Department of Human Services, Comprehensive Social Service Plan FY 84-85 (Columbus, Ohio: 1984).

Ohio Department of Human Services, Title XX Task Force Report (Columbus, Ohio: June 1984).

Ohio Management Training Institute, Job Training Partnership Act and Federal Regulations (Columbus, Ohio: 1982).

Woodrow Wilson School of Public and International Affairs, Background Material on Fiscal Year 1982 Federal Budget Reductions (New Jersey: Princeton University, 1982).
THE ROLE OF A LEGISLATIVE ADVOCATE

Citizens' groups can undertake preparations that will enhance their capabilities of being effective advocates for legislative action. To develop and implement a citizens' group's action agenda, at least one person — paid staff or volunteer — should be designated as the person primarily responsible for legislative advocacy. This selection heightens accountability and provides leadership for the tremendous amount of detail that has to be mastered in an advocacy effort. The attributes of the legislative advocate are highlighted below. A legislative advocate should be:

- a person of many skills and credibility who can be relied upon by both the citizens' group and the legislature;
- friendly, outgoing, articulate, logical, and persuasive;
- able to follow the citizens' group's directives, yet work independently;
- able to discuss any number of issues with any number of legislators;
- able to build a sense of community within the citizens' group, providing for fun as well as for hard work;
- able to advocate both offensively (trying to get legislation passed) and defensively (trying to prevent legislation from passing).

The basic functions of a legislative advocate include the following:

- act as a liaison between the citizens' group and the legislature;
- keep track of pertinent legislation, following it through the legislative process, and advocating for or against it;
- assist the citizens' group in organizing and training its members, as well as other citizens, in influencing the legislative process;
- develop contacts with other legislative advocates and professional lobbyists in the hopes of discovering common goals, sharing information, and forming coalitions;
- offer expertise and assistance to legislators.

HOW TO CARRY OUT LEGISLATIVE ADVOCACY EFFECTIVELY

To be effective, a legislative advocate must have some basic knowledge about the legislature and the legislative process. Refer to Chapters One and Two of this Handbook for a discussion of these important topics. If advocacy efforts pertain to the budgetary or block grant processes, refer to Chapters Three and Four.
Also to be effective, a legislative advocate must make the most of being in an advocacy position. For example, the advocate should consider forming a coalition, be prepared to negotiate and compromise, anticipate the need for cumulative efforts, and keep on top of the overall advocacy strategy.

COALITIONS

In most legislative instances you will be able to do little alone since few bills get passed through the action of a single citizens' group. So anticipate that in many aspects of your work you will be involved in coalitions (the actual formation of a coalition is discussed later in this chapter).

A coalition is an arrangement among any combination of groups, organizations, and individuals working toward a common legislative objective. As emphasized by the League of Women Voters in Making an Issue of It: The Campaign Handbook, a coalition is usually a short-term arrangement: “Necessary as a coalition may be, it’s important to remember that a coalition is not a marriage for life. It’s really an ad hoc, sometime thing.”

In reality, a coalition does not have an identity of its own. Its strength is the strength of those groups, organizations, and individuals affiliated with it. Its function is to serve as a focal point — as a clearinghouse and a coordinator for the advocacy effort. The coalition should make sure that participants are doing all they can — and are doing what they are best able to do — to achieve a desired result.

When used to the fullest extent, a coalition can be advantageous to your group’s cause. This is because it can offer numerous skills and many points of access. In addition, it can promote great participation in grassroots advocacy activities, giving the legislature the feeling that a ground swell of public opinion either favors or opposes the measure in question.

Despite all of their impact potential, however, general purpose health and human service coalitions in Ohio are lacking, particularly on a recurrent, state-wide basis. An information specialist for an Ohio citizens' group summarizes the situation:

No ongoing state-wide network exists that can be implemented for all health and human service legislation. On big issues, such as welfare payments or mental patients' rights, certain state-wide organizations (church councils, health and human service councils, League of Women Voters, etc.) can be marshalled, but frequently a state-wide network is lacking. Because of limits on paid staff, volunteer energy, and finances, most organizations select only a few legislative issues to concentrate their attention on. And few organizations have the capacity to wage a campaign beyond their local areas.

If the issue you are concerned about is not likely to arouse spontaneous, state-wide action, then you should target your efforts on the six largest communities in the state — Cleveland, Dayton, Cincinnati, Toledo, Akron, Canton, and Columbus.

NEGOTIATION AND COMPROMISE

Negotiation and compromise are crucial aspects of legislative advocacy. Enter the legislative arena with the expectation that both will be necessary. Be prepared to modify elements of your proposal to accommodate the interests and values of potential supporters and/or to neutralize opposition. But do so in a way that does not violate your basic intent. Be clear about what you are prepared to sacrifice and what cannot be bargained away. Identify the minimum package acceptable to you. The margin between what you hope will be enacted and what you can accept is the area for negotiation and compromise.

CUMULATIVE EFFORTS

Realize and be willing to accept the fact that a bill is not likely to be enacted the first time it is presented to the legislature. Only a small percentage of the bills introduced in a legislative session are enacted. And the possibility of failure is even greater if a bill introduces a new concept, concerns an extremely sensitive issue, or requires the allocation of significant sums of money for its implementation. The process of gaining converts to an idea, of strengthening a party position, or of putting together a winning coalition often requires more than a single session of the legislature. Thus, you must often establish a time frame that extends beyond one legislative session. Depending on the nature of the bill and the opposition, your legislation may have to be reintroduced and pushed for in several consecutive sessions extending over several years while gradually winning and accumulating support.

During this time try not to become so discouraged that you give up. Instead, make an effort to measure your success in any given legislative session in terms of the achievement of significant subgoals. Be prepared, however, to face changes in the legislature (in party control, in administration, in major legislative power groups) as you take your legislation from session to session — changes that may require you to alter the nature of your bill. Also, remember that today's opponents, under different circumstances, may be tomorrow's proponents — or at least reluctant supporters.

THE OVERALL ADVOCACY STRATEGY

As a legislative advocate with limited experience in developing strategies for formal legislative advocacy, you may not be invited to participate with the legislators and professional lobbyists on your side of the issue in devising the overall advocacy strategy. Therefore, it will be necessary for you to become aware of that
strategy before you begin your own efforts. Sometimes well-meaning legislative advocates do their side more harm than good because they are unaware of the strategy devised for that side.

To learn what the strategy is for your side of the issue, contact the leading legislators and professional lobbyists on that side. Be sure that you do not lightly disregard the strategies devised by the legislators and professional lobbyists since, in most cases, they are experts on the legislature and their strategies are developed from that expertise. If you decide that no particular strategy is in effect for your side of the issue, or that you cannot go along with the strategy that has been devised, then be guided by your own judgement on the issue and that of others whom you respect. Follow your own conscience and beliefs, but advise the legislators and professional lobbyists on your side of the issue of your plans.

HOW TO HELP YOUR CITIZENS' GROUP

To assist your citizens' group with its legislative advocacy efforts, you should be knowledgeable about establishing a legislative/government affairs committee, establishing ad hoc committees, forming a coalition, and keeping members involved.

ESTABLISH A LEGISLATIVE/GOVERNMENT AFFAIRS COMMITTEE

Because your citizens' group may feel the need for a legislative/government affairs committee to organize and supervise its legislative advocacy efforts, you should be prepared to assist the group in establishing the committee. The following advice, as suggested by the Ohio Association for Retarded Citizens in *The How and Why of the Ohio Legislature*, may be helpful:

- appoint a chairperson of the committee and select members,
- publicize the appointment of the chairperson and the selection of members,
- let all officials and legislators know about the existence of the committee through mail or personal visits,
- be put on the mailing lists of legislators and other citizens' groups,
- ask legislators to conduct an orientation session on the state government for your committee,
- hold regular meetings of the newly-formed committee to discuss goals and activities,
- ask committee members to compile personal lists of people they can call on to join in advocacy efforts.

ESTABLISH AD HOC COMMITTEES

Once your group has established a legislative/government affairs committee, it may decide to establish special ad hoc committees. Even without a legislative/government affairs committee as the overseer, your group can form special ad hoc committees to express certain views and advocate for them.

Usually, it is easy to form these ad hoc committees. Simply call a meeting on the particular issue — announcements in local newspapers, notices on community bulletin boards, and personal contacts are the best ways to do so. Invite as many people as possible who agree with your position, including public officials and other leaders. Then give the committee a name, establish minimum rules, adopt a position on the issue, and determine how that position will be communicated to the legislature.

These ad hoc committees can usually be formed without any significant effort or expense and yet can have a very important impact — especially on those legislators whose constituents are part of the committees.

FORM A COALITION

Beyond having its own legislative/government affairs committee and/or special ad hoc committees, your group may decide that it would like to form a coalition of groups, organizations, and individuals for advocacy purposes, as discussed earlier in this chapter.

Who Should Belong

Ask groups, organizations, and opinion leaders who have, or should have, an interest in the issue to participate. If the issue has national support, contact the state and local counterparts of those supporters. Do not ignore a state or local organization just because its national affiliate has not endorsed the issue. Also, do not ignore organizations or individuals just because you disagree on other issues. Disagreements unrelated to the purpose of the coalition should take a back seat. Once the goal is achieved, the members of the coalition can again go their own ways.

Some Rules Of The Game

Make sure that everyone who joins the coalition understands and agrees to the rules of the game, such as the following:

- **Speaking for the Coalition** — No one in the coalition is empowered to speak for the coalition on any issue other than the coalition's goal, which should be clearly defined and stated. Each organization is free to act for itself outside the coalition but not in the name of the coalition except with appropriate authorization from the other members. The requirements for authorization should be delineated.
Responsibilities and Activities — Coalition responsibilities and activities will be clearly defined and assigned so that the coalition can work best. Decisions will be made by those empowered by the coalition to do so. A coordinating committee will be set up to coordinate the work of other committees responsible for specific activities within the coalition.

Financial Matters — How the activities of the coalition are to be paid for will be determined, and a tentative budget will be developed.

Communication — It will be decided how to maintain communication among the members (e.g., regular meetings, newsletters, or a telephone system).

The rules, along with organization and some give-and-take, should lend themselves to an effective coalition. To determine whether your coalition is effective, look for these results:

- professional lobbyists confer with the coalition on the issue,
- there is a continuous awareness of legislative attitudes, particularly changes, and proper action results,
- communications go to the right people in the right districts on the right issue at the right time,
- visibility of the coalition is promoted,
- proponents act rather than react,
- everyone who wants to work has something useful to do,
- people and organizations with special talents are able to use them effectively,
- committees and task forces constantly act and interact.

Management

A coalition must have good management to ensure that its diverse elements are functioning effectively. The responsibilities of the management include setting practical working goals for the coalition, coordinating the various elements of the coalition if there is not a coordinating committee (or keeping track of the coordinating committee if there is one), assuring good communication throughout the coalition, and delegating responsibility.

KEEP MEMBERS INVOLVED

Any citizens’ group can have difficulty keeping its members involved. No matter how well the group is organized or how dedicated members appear to be to the cause, sometimes interests just dissipate and nobody can really be faulted. To avoid having to face this situation, which obviously can be disastrous to your advo-

cacy efforts, you may want to advise your group to follow these guidelines, as suggested by the Ohio Association for Retarded Citizens in The How and Why of the Ohio Legislature:

- install a telephone communications system,
- publish a bulletin or newsletter regularly, based on input from the members,
- set up effective ad hoc committees or task forces consisting of as many members as possible,
- publicize the group in the media,
- make your programs and meetings interesting (e.g., involve legislators and other special guests),
- encourage every member to have input into the direction of the group,
- draw upon the members to serve as speakers and to assist the group in other ways.

USEFUL RESOURCES AND PUBLICATIONS

The information provided in this section should be useful as you pursue your legislative advocacy efforts.

RESOURCES

The following resources can provide you with information about the legislature:

- The State Legislature — Write to the Clerk of the House or the Clerk of the Senate, State House, Columbus, Ohio 43215. Or telephone the House at 614-466-3357 and the Senate at 614-466-4900.

- Legislative Information — The toll-free number for this service is 1-800-282-0253 (or 466-8842 if you live in Franklin County). The staff provide information on any bill in the current General Assembly. The staff also index all bills in a variety of ways and keep a daily update on any action taken on the floor. The staff do not, however, interpret any legislative actions. The phone is covered from 8:30 a.m. to 4:30 p.m., Monday through Friday.

There is also a federal Office of Legislative Information, which gives an update on legislative action in Washington. Though not toll free, you can reach this service by dialing 202-225-1772.

- The Ohio Citizens’ Council (OCC) — Contact OCC at 155 North High Street, Columbus, Ohio 43215 (614-224-8146).

- The League of Women Voters — Contact the League at 65 South Fourth Street, Columbus, Ohio 43215 (614-469-1505). On the national level, contact the League at 1346 Connecticut Avenue, N.W., Washington, D.C. 20036 (202-785-2616).
State Democratic Headquarters — Contact the Democratic Party at 88 East Broad Street, Columbus, Ohio 43215 (614-221-6563).

State Republican Headquarters — Contact the Republican Party at 50 West Broad Street, Columbus, Ohio 43215 (614-228-2481).

Federal Information Center — Information on agencies of the federal government can be obtained by calling the Federal Information Center in Ohio (there are 20 Centers across the United States). Ohio's Center is located at the Federal Building, 550 Main Street, Cincinnati, Ohio 45202 (513-684-2801). Tелефone lines to the Center are in Akron (216-375-5638), Cleveland (216-522-4040), Columbus (614-221-1014), and Dayton (513-223-7377).

PUBLICATIONS

The following publications can provide you with information about the legislature:

A Guidebook for Ohio Legislators — Published by the Ohio Legislative Service Commission, the most recent edition of the book should be available for loan at your public library. To purchase the book, contact the Ohio Legislative Service Commission, State House, Columbus, Ohio 43215 (614-466-3615).

Administrative Report — This Ohio Citizens' Council publication provides information about executive branch activities dealing with human services in Ohio. It is published twice monthly throughout the year. To subscribe, contact the Ohio Citizens' Council, 155 North High Street, Columbus, Ohio 43215 (614-224-8146).

Baldwin's Ohio Legislative Service — Published by the Banks-Baldwin Law Publishing Company, P.O. Box 1974, University Center, Cleveland, Ohio 44106 (216-721-7373), this monthly document contains the following information:

- "What's New" — a one or two page summary stating what is new in the legislature;
- a roster of legislators and committees;
- the "Box Score" — a status sheet of the year's bills and resolutions that lists in an abbreviated chart form each bill, its sponsor, its title, House action, Senate action, and other action;
- an index by general subject area of the bills and resolutions introduced during a General Assembly;
- a summary of the court rules promulgated by the Supreme Court of Ohio;
- a list of the year's laws enacted;
- the full text of the year's session laws;
- a table-index to the year's legislation and rules;
- a subject-index to the year's laws.

Although this document can be purchased, the reference sections at the public libraries house it and keep it up to date.

Bill Drafting Manual — Published by the Ohio Legislative Service Commission, this book is a guide for persons who draft bills for introduction in the Ohio General Assembly. To obtain a copy, contact the Ohio Legislative Service Commission, State House, Columbus, Ohio 43215 (614-466-3615).

Block Grant Briefs — The purpose of this Ohio Citizens' Council publication is to cover all news concerning block grant legislation, enactment, and administration. It is published at least monthly. To subscribe, contact the Ohio Citizens' Council, 155 North High Street, Columbus, Ohio 43215 (614-224-8146).

Budget Footnotes — This is a periodic newsletter published by the Ohio Legislative Budget Office. The publication deals with legislative issues of financial concern. To be put on the mailing list for the newsletter, contact the Ohio Legislative Budget Office, 16 East Broad Street, Columbus, Ohio 43215 (614-466-8734).

Know Your Ohio Government — The most recent edition of this League of Women Voters of Ohio book can be purchased from the League, 65 South Fourth Street, Columbus, Ohio 43215 (614-469-1505).

Legislative Bulletin — Printed each week that the legislature is in session, this Ohio Citizens' Council publication reviews all significant health, welfare, and criminal justice legislation. The information it provides includes summaries of legislation, committee hearing schedules, major amendments adopted, voting results, coverage of committee meetings, and coverage of meetings of the Controlling Board. Periodically the Ohio Citizens' Council will also publish its Alert, which informs readers of special action required to have an impact on an important piece of legislation, and its Legislative Spotlight, which is a special interest report. To subscribe to these publications, contact the Ohio Citizens' Council, 155 North High Street, Columbus, Ohio 43215 (614-224-8146).

Ohio Legislative Directory — Published for each General Assembly by the Ohio Citizens' Council, this Directory (which is in a pamphlet-like form) provides the following information:

- the title, name, Columbus address, and Columbus telephone number of each elected state official;
• the name, Columbus address, and Columbus telephone number of each Ohio House and Senate leader;
• the name, district, party, address, and telephone number of each Ohio Representative and Senator;
• the names, telephone numbers, and membership of all standing committees in the Ohio House and Senate;
• a map of the Ohio Senate districts and a list of which Senate districts contain which House districts;
• the names, Columbus address, and Columbus telephone numbers of the Justices of the Supreme Court of Ohio;
• the name, district, party, Washington address, Ohio address, and telephone number of each Ohio member of Congress;
• a map of the Congressional districts of Ohio.

To obtain a copy of this publication, contact the Ohio Citizens’ Council, 155 North High Street, Columbus, Ohio 43215 (614-224-8146).

Ohio Revised Code — This is the statutory law of the state. It can be purchased or it can be used in public libraries. To purchase the Ohio Revised Code, contact the Banks-Baldwin Law Publishing Company, P.O. Box 1974, University Center, Cleveland, Ohio 44106 (216-721-7373).

Ohio Administrative Code — This establishes the Rules of all Agencies adoption rules under Chapters 111 and 119 of the Ohio Revised Code. It provides the official text of each rule, including section number and heading plus history and effective date. It can be found in public libraries. To purchase the Ohio Administrative Code, contact the Banks-Baldwin Law Publishing Company, P.O. Box 1974, University Center, Cleveland, Ohio 44106 (216-721-7373).

Ohio Monthly Record — This is a monthly update of the Ohio Administrative Code. The Record provides complete information each month with the full text of each Administrative Code rule adopted or amended and notes on rules rescinded, all emergency rules, and reports on all proposed rules along with public hearing schedules. The Ohio Monthly Record can be purchased or used at the public library. To purchase the Ohio Monthly Record, contact the Banks-Baldwin Law Publishing Company, P.O. Box 1974, University Center, Cleveland, Ohio 44106 (216-721-7373).

Ohio Report — This is published daily by Gongwer News Service, Inc., 40 South Third Street, Columbus, Ohio 43215 (614-221-1992). Each Report contains the day’s legislative proceedings as well as general information pieces pertaining to the legislature and the committee schedule for the following week. Contact Gongwer if you wish to subscribe to the Ohio Report. Or check your public library.

Ohio Legislative Advocacy: A Health and Human Service Directory — Published by the Federation for Community Planning, this Directory provides advocacy, administrative, and legislative resources for health and human service professionals. It can be purchased from the Federation for Community Planning, 1001 Huron Road, Cleveland, Ohio 44115 (216-781-2944).

Ohio Truck Times Government Directory — Published quarterly by the Ohio Trucking Association, this Directory includes a “rundown” on each state administrator, the U.S. Senators from Ohio, the U.S. Representatives from Ohio, the Ohio Senators, and the Ohio Representatives. The information on the state Senators and Representatives consists of their pictures and notes on their present legislative status, age, family makeup, educational background, and organizational or group membership (i.e., outside interests). The Directory may be ordered through the Ohio Trucking Association, 50 West Broad Street, Columbus, Ohio 43215 (614-221-5375).

Roster of the Members, Officers, Employees and List of Standing Committees of the Senate and House of Representatives — This publication can be obtained from the Clerk of the Senate (614-466-4900), the Clerk of the House (614-466-3357), or the Executive Secretary of the House (614-466-4308). The address is the State House, Columbus, Ohio 43215.

State House Action — This legislative bulletin is published by the League of Women Voters of Ohio four or five times a year while the legislature is in session. To subscribe to the publication, contact the League at 65 South Fourth Street, Columbus, Ohio 43215 (614-469-1505).

Journal, Bulletin, Status Sheet, and Summary of Enactments — These publications are printed by the legislature:

• The Journal covers all action that occurred in the legislature throughout the session and includes voting records. It is printed daily.
• The Bulletin is published periodically throughout each legislative session. It lists all bills introduced in the session to date, according to subject matter, with a short description of each bill and a summary of important actions taken. The Bulletin also lists legislators and the number of bills they have sponsored. In addition, it mentions the sections of the Ohio Constitution and the Ohio Revised Code affected by the bills.
• The **Status Sheet**, published by the Legislative Service Commission, lists all bills introduced and any action taken on them. Its format is very brief and it is printed once a week when the legislature is in session.

• The **Summary of Enactments** is published by the Legislative Service Commission at the end of each annual session. This document summarizes, in narrative form, each of the enactments of the General Assembly throughout the year.

The **Journal**, **Status Sheet**, and **Summary of Enactments** are easiest obtained if you are in Columbus and can pick them up at the State House (from the House and Senate Bill Rooms for the **Journal** and from the Legislative Service Commission for the **Status Sheet and Summary of Enactments**). Otherwise, ask your legislator to forward them to you or request them from the State House, Columbus, Ohio 43215. The **Bulletin** is not available to the general public.

**Newsletters and Tracking Reports** — Many organizations throughout Ohio publish their own newsletters or legislative tracking reports. Check around.

**Bills** — Copies of local bills can be obtained from the clerk of council or a similar position in local government. State level bills can be obtained from your legislator, the House or Senate Clerks, or the House and Senate Bill Rooms, as well as from public libraries. National level bills can be obtained from your legislator or from the U.S. House or Senate Clerks. At the state level, you can reach the House Clerk at 614-466-3357, the Senate Clerk at 614-466-4900, the House Bill Room at 614-466-2127, and the Senate Bill Room at 614-466-7168. The address is the State House, Columbus, Ohio 43215.

**CHAPTER FIVE: NOTES**

The content of this chapter is based on information from the following sources:


TYPES OF LEGISLATIVE ADVOCACY: FORMAL AND GRASSROOTS

The functions of most legislative advocates can, for the purposes of this Handbook, best be described as being on two distinct levels — the "formal" and the "grassroots."

At the formal level, the legislative advocate attempts to influence the course of legislation by working directly with key legislators and committees. Here the legislative advocate may actually draft the legislation, arrange to have the legislation introduced by the best possible sponsor, work on having the legislation referred to the most receptive committee, help persuade the committee to report it favorably to the first chamber, help persuade the first chamber to pass the legislation, and then go through the entire process again in the second chamber. The legislative advocate will also do research and prepare background material in support of the bill, answer legislators’ questions about the bill, help determine the timing and strategy for the bill’s progress through the legislature, arrange for others to testify and support the bill, and anticipate and head off the bill’s opposition.

In opposing legislation, the legislative advocate at the formal level tries to persuade the appropriate committees to amend or bury the opposed legislation. Here, too, the legislative advocate does research and provides background material (this time against the bill), answers the arguments presented by the bill’s supporters, helps determine the timing and strategy for opposition to the bill, and arranges for others to oppose it. If the bill is still reported to a chamber, the legislative advocate helps persuade legislators to defeat the bill.

The legislative advocate who functions at the grassroots level may draft the desired legislation, do research and provide background material, and work with the relevant committees and the two chambers. The legislative advocate at the grassroots level, however, does not stop there. This legislative advocate also tries to generate as much citizen support as possible for a particular position on the bill.

To get people to join in the effort, the legislative advocate who functions at the grassroots level must educate them about the issue. As one legislative advocate states, "If people do not know what is going on, then they cannot react." Once the citizens have committed themselves to the cause, any of a number of grassroots activities can be implemented — citizen meetings with legislators, letter-writing campaigns, telegram campaigns, telephone campaigns, petition-signing campaigns, election campaign assistance, and appeals to the public-at-large.
FORMAL LEGISLATIVE ADVOCACY
AND MEETING WITH LEGISLATORS

Because of human limitations, when legislators are elected to their office, and even as they serve out their terms, they cannot know everything. Yet legislators are expected to be instant experts on, and advocates for, whatever the cause. Therefore, they must be educated.

With few exceptions, legislators try to do what is in their eyes a good job, listening as objectively as possible to the various cases presented to them. If they fail to see something your way, it may be because you have not done an adequate job of getting your message to them. Certainly do not wait for the legislators to come to you. Even if they are on your side of an issue, they will probably not take the initiative to inform you of their alliance. Preferably, contact the legislators in person. Let them hear your story. And do not feel apologetic for approaching them. They are your representatives, and they should be responsive to you. As one lawmaker emphasizes, "If you're a legislator and you mind being hassled, then you're in the wrong business!"

DECIDING WHO TO MEET

Since your time and energy will be limited, you must carefully select those legislators who will be the focus of your attention. Consider the following criteria in making your choice:

» The Legislator's Expertise — Whether it is substantive or procedural, the greater the expertise, the better.

» The Legislator's Committee Membership — A legislator with seniority who is a committee leader may be particularly helpful.

» The Legislator's Degree of Electoral Certainty — The more certain re-election is, the better.

To learn about each legislator's expertise, committee membership, and degree of electoral certainty you must have access to background information on the legislators. Such information will provide you with what one legislator refers to as "a player program for the legislature." Collecting, organizing, and maintaining the information can be a difficult job. If you have never done it before, the following techniques, as suggested by the League of Women Voters in Making an Issue of It: The Campaign Handbook, may assist you:

» Working Card File — This file consists of 3x5 cards with minimal information on each legislator — name, district, legislative address and phone number, party, past votes on similar or related legislation, bills sponsored, committees chaired or served on, and when and how often contacted. The cards can be color-coded for each issue with one color for supporters, another color for opponents, and a third color for uncommitted legislators. By keeping the color coding up-to-date, a quick, general view of the legislative situation will always be available.

» Worksheets — These sheets categorically list the names of all legislators — by district, party, or otherwise. Next to the name of each legislator, blank spaces are ruled off to check the legislator's current attitude about the issue on a scale of 1 to 5: 1 = supports; 2 = leans favorably; 3 = neutral or uncommitted; 4 = leans negative; 5 = opposes. The sheets should constantly be updated. Like the card file, they can convey an overall picture of the legislative situation at a glance.

» File Folders — These can be maintained on every legislator. Their contents can include the legislator's name, district, party, home address and phone, and a legislative address and phone; a picture, if available; how long the legislator has been in the legislature; the committees the legislator chairs or serves on; the legislator's special legislative interests; the legislator's educational and professional background; the legislator's marital status and family make-up; the legislator's recorded votes on similar or related legislation; the major media in the legislator's own district and its position on each issue; the legislator's outside interests; organizations and individuals who might be able to influence the legislator; the legislator's position in the legislative power structure; report sheets of contacts made (by whom, when, where, and how); and comments on and by the legislator. The file folders can also include news clippings, public statements, and news releases pertaining to the legislators. Note that news releases are an excellent way to keep track of legislators' actions. To obtain copies of the releases, contact the Senate or House and ask to be put on certain legislators' mailing lists for news releases.

Whether in the form of a working card file, worksheets, or file folders, the background information you collect on legislators should be compiled in an organized fashion. It should also be updated as frequently as possible. And it should be collected until electoral defeat or retirement.

In addition to contacting legislators based on their expertise, committee membership, degree of electoral certainty, and image, be sure to contact legislators from your own district or county delegation. They will usually be more accessible and more willing to listen to you than other legislators will be.

DECIDING WHERE TO MEET

As soon as you have determined which legislators you would like to contact, decide where to meet them.

Most legislators have offices within or near their districts — often at home or in their place of business —
with regular office hours set aside for meeting with their constituents. In addition, they have offices in Columbus, in or near the state capitol, where they will meet with constituents. Whether you choose to meet with a legislator within the district or in Columbus will probably be a matter of convenience for both you and the legislator.

If you decide to meet with a legislator in the district office, an appointment can be easily arranged by calling that office. If you decide to meet with a legislator in Columbus, it may be more difficult to arrange an appointment. This is because of the unpredictable nature of the legislature with its daily sessions, committee meetings, and party caucuses often scheduled on short notice. Nevertheless, if a legislator knows that you have traveled to Columbus for a meeting, the legislator will usually find some way — even if it means coming off the floor of the legislature or leaving a committee or party meeting — to see you. So do not disregard a trip to Columbus to meet with your legislator. Not only is it an effective advocacy tool but also it is an interesting experience. Just be sure to make an appointment in advance by calling the legislator’s office. When you go to see the legislator, arrive early. But always be prepared to wait because there may be unavoidable delays and schedule changes.

DECIDING WHEN TO MEET

If your purpose for contacting a legislator is just to educate the legislator about a certain issue, periods when the legislature is not in session are usually the best times for approaching the legislator, since this is when legislators are not under severe time pressures. Be aware, however, that legislators often have other careers that demand their attention when the legislature is not in session. They may want to be left alone when they are away from the capitol. If you discover that such is the case with certain legislators, take care in presenting issues to them.

If your purpose for contacting a legislator is to influence as well as educate, periods when the legislature is in session may be the best time to make your approach. Legislators are generally unwilling to commit themselves to a vote before the formal legislative process begins, but once the process is in progress, legislators may be approached for a commitment. With some legislators on some issues, the best move is to step forward just before the legislator is about to vote. With other legislators and other issues, the approach should be made much earlier in the process.

Whether before or during a session, some legislators relish all the attention they can get. Since they do not resent requests for their time, you can present your case often to these legislators. Other legislators place high value on their time and resent even a second explanation. As noted by Jack Davies in Legislative Law and Process, different legislators have different styles:

Some want explanations in writing to allow for homework and staff analysis. Some legislators want quick explanations. Some want the merits presented. Some want a tally of groups supporting and opposing the action. Some want to squeeze in their own amendments. Some want only to know the issue is coming up so they can, at their leisure, recall memories of the pros and cons from past debates and reflect on them. Some listen politely but burn slowly as the explanation drags; others appear brusk but appreciate full explanations.

According to some legislative advocates, the only way of knowing when the time is right to talk to a legislator is by getting a feeling for the legislator’s moods and schedule.

PREPARING FOR THE MEETING

Before meeting with a legislator, you must be as knowledgeable as possible about the issue at hand, both in general terms and with respect to how it will affect certain areas and components of the legislator’s district and the state. One way of gaining the necessary knowledge is to do your own research. This, however, may prove to be a difficult and time-consuming task, as well as an unnecessary effort if somebody else has already done most of the work. A second and perhaps better way of gaining the knowledge you need is by going to other sources — organizations, professional lobbyists, and legislators — and drawing from their knowledge of the issue.

MAKING THE PRESENTATION

Once you are face to face with the legislator, make sure that your presentation is an impressive and worthwhile one. To begin on a comfortable note, you might show an interest in another bill you know the legislator is concerned about. Ask how it is progressing. If possible, tie it in with your own interests and purpose. Or you might compliment the legislator on an effective job the legislator has done.

As the conversation moves to your specific purpose for being there, make sure that you know not only what the issue is but also what you want the legislator to do about it. If the legislator asks you to discuss both sides of the issue, then do so — honesty should not hurt your cause. And if you can truthfully say that you have discussed your purpose with people from the legislator’s district, tie it in.

Try to give the legislator facts and figures pertaining to the district. As one lawmaker stresses, “Legislators want specific information from legislative advocates about the impact of a piece of legislation — the costs and benefits to their constituencies.” If necessary, translate the facts and figures for the legislator. With some legislators, percentages work well (e.g., X dollars as a percentage of the total budget, or X percent of the legislator’s constituency being in need).
Do's And Don't's When Meeting With Legislators

DO
- Work with legislators on a one-to-one basis.
- Be a good listener and hear out what the legislator has to say on the issue.
- Respect the right of a legislator to disagree with you and vote against your issue.
- Ask if the legislator has another issue you can help on.

DON'T
- Be pushy. If you are told that a legislator cannot see you, then make another appointment.
- Say to a legislator, "You promised me..." If anything say, "I understood you to say...".
- Be sarcastic, critical, or threatening. And don't embarrass the legislator in any way.
- Visit the same legislator more than once on the same issue unless you have something new or different to say.
- Extend your visit beyond a reasonable amount of time.
- Try to tell a legislator how to vote on a bill. Instead, tell the legislator how a vote one way or the other will affect the legislator's constituency.
- Show anger or resentment toward a legislator who votes against you. Instead, say, "Maybe you can help me next time."

RECOGNIZING WHAT THE LEGISLATOR HAS TO GAIN

Just as you may have a lot to gain by meeting with a legislator (e.g., a vote for your side of the issue or a promise to try to recruit other legislators to your side of the issue) the legislator may have a lot to gain by meeting with you too. Most importantly, the legislator may be able to acquire information on the issue.

In the words of one lawmaker, "Legislators thirst for information." And in the words of another lawmaker, "Legislators are often very dependent upon legislative advocates since it is often the advocate and not the legislator who knows what is in the legislation." The nature and volume of bills introduced into the legislature prohibit any legislator from reading, much less studying, all of them. In fact, most legislators have time to carefully read and study only a small percentage of the bills that are voted on, let alone introduced. As a result, legislators specialize in only a few legislative areas and depend on others for information in all additional areas. Those "others" are often legislative advocates.

By supplying accurate, timely, and usable information to the legislators, you will assist them in their legislative decision-making process. And you will help yourself in gaining the legislators' votes on your side of the issue. As stressed by many legislative experts, a lot of votes are cast on the basis of non-information, and you should not allow this to occur. Do not rely on just the relationship you have established with the legislator to get your way; rely on solid facts and analyses as well.

DEVELOPING CONTINUING RELATIONSHIPS

After meeting with a legislator for the first time you may be able to set up a continuing relationship. The legislator may become your confidant or pipeline within the legislature, keeping you informed of below-the-surface fluctuations in the moods of the body, of changes in the attitudes of various legislators, and of external influences on the legislation you are interested in. And you may become the legislator's confidant or pipeline, providing the legislator with information on the legislative situation from your perspective. For example, one advocate bakes a powerful legislator's favorite cake every week and personally delivers it. The legislator has been known to try to push legislation through the General Assembly, or stop it, at the advocate's request. Of course, this is not to say that you should spend your evenings baking for legislators. It is to say, however, that you should do something to make your relationship with the legislator a distinct and special one.

Be prepared to answer questions or to leave copies of key materials. Also, make sure that you leave a mental image with the legislator. Have the legislator's emotions as well as the legislator's intellect working for your cause.

Be straightforward, candid, and sincere. And express appreciation for the time the legislator has given you - even if the legislator is unable or unwilling to vote as you would like on the issue. Also, follow your visit with a written thank you note. It is important to gain the legislator's respect, which is a valuable asset.
WORKING WITH THE LEGISLATOR’S STAFF

There is more to a legislative contact than just meeting with the legislator. There is also meeting with the legislator’s staff.

Legislators’ staffs greatly affect the policy-making process. Their responsibilities include generating and filtering information brought to the legislators’ attention, initiating policy decisions, planning and monitoring committee hearings and investigations, drafting legislation and committee reports, negotiating points of difference among parallel bills passed in both chambers, and serving as liaisons with other forces in the legislative process.

Members of legislators’ staffs, who are usually more accessible than the legislators they work for, can assist you in the following ways:

- they are likely to have the background and sophistication necessary to understand the technicalities and substance of issues of interest to you;
- they can be instrumental in planning contacts with legislators, in arranging for you to present testimony, and in framing questions that will be asked at hearings to give you an opportunity to make a persuasive case;
- they can help see that information you provide receives consideration by the legislators.

FORMAL LEGISLATIVE ADVOCACY AND THE LEGISLATIVE PROCESS

Legislators review and judge proposals brought forth by citizens’ groups. In essence, they respond. Therefore, if a citizens’ group wants legislative action from the General Assembly, it must ask for it; the group must present its position and give the legislators something to react to.

To successfully advocate for proposed legislation, however, is not easy. Generally only 20-25 percent of the more than 2,000 bills that are introduced in an entire General Assembly (over a two-year period) become law. Obviously, a legislative advocate who tries to affect the course of a bill as it travels through the legislative process is up against great odds. Still, this enormous endeavor, which ranges from finding a sponsor to influencing the Governor, must be undertaken.

SPONSORSHIP

To be introduced into either chamber of the legislature, a bill must be sponsored by a legislator. The legislator, or sponsor, manages the bill as it passes through the legislature, making strategic decisions and carrying a great responsibility for the explanation and advocacy of the bill while it is in committee and on the floor.

Choosing a sponsor for a bill is an extremely important task since the sponsor of a bill can have a great effect on whether or not a bill passes. As one legislator notes, “When you have a key project you do not want to take it to the wrong person.” Factors to consider in choosing the right legislator to be your sponsor are the sponsor’s political philosophy, party affiliation, seniority, and committee membership, as well as the number of other bills the legislator is responsible for. You must also consider how many sponsors you would like. And you must determine the commitment of your sponsor.

Political Philosophy

Consider the political philosophy of the legislator you choose to be your sponsor because that philosophy will have an impact upon how other legislators react to your bill. According to one legislator, bills are categorically “labeled” as they come through the legislative door on the basis of their sponsors’ political philosophy. These labels are liberal, conservative, and ultraconservative, and they tend to correspond with the representations of the legislators — urban, suburban, and rural. The legislator goes on to say that although the labeling process is private and secretive, it puts an “invisible jacket” on every piece of legislation. The process is taken quite seriously by, and is usually important to, some of the legislators. In the words of this legislator, “When certain law-makers are for a bill, without even looking at it, I’m almost surely against it.”

Party Affiliation

There can be a major difference between having a sponsor in the majority party rather than in the minority party. This is because majority party members often have more success with their legislation. In the words of one legislator, “A minority party member can hardly move a bill.” Of course, this really depends upon the leadership and members of the legislature, but the minority party sometimes does, as another legislator puts it, “play an ineffective role.” Many of its bills do not get onto the floor, and the “garden variety” of legislation that does pass is often “more form than substance.”

Seniority

The seniority of your sponsor can be an important factor since in addition to being more experienced, senior members have a greater tendency to be listened to and respected by the legislators. They also tend to be committee chairpersons or at least have important committee positions.

Committee Membership

It is often worthwhile to seek as your chief sponsor a member of the standing committee most likely to receive jurisdiction over your bill. Co-sponsors from the same committee are also advantageous since every sponsor is somewhat committed to cast an affirmative vote in committee and three, four, or five secure votes
in committee can be very helpful. Even when a committee member turns down a request to sponsor or cosponsor your bill, the time spent explaining the bill to that person may pay off later when the committee considers the measure.

Other Legislative Responsibilities

The number of other bills your prospective sponsor is responsible for can be a crucial matter. A sponsor of many bills has to decide which bills to speak out about, which to concentrate on. One of the bills to receive much of the sponsor’s time may or may not be yours. As one legislative advocate puts it, “A person who sponsors many bills may present a risk.”

Of course, those legislators who are besieged with the most requests to sponsor bills are usually in the majority caucus and have a special talent for managing legislation. Whether to choose as your sponsor a less influential, less talented legislator with plenty of time to give or a very influential, very talented legislator with an overload is an obvious dilemma. The pros and cons must be weighed and some chances taken. Whatever your decision, try to make it as quickly as possible. The earlier in the session that sponsorship is requested of a legislator, the better.

How Many Sponsors

If your proposed legislation is expected to be a major issue in the legislature, it may be advantageous to obtain co-sponsors who provide a political, geographical, and ideological balance. This will reduce suspicion about the bill and initially allow for varied support.

Your Sponsor’s Commitment

Prior to selecting your sponsor you must get a true commitment from that person. Just because a legislator agrees to sponsor a bill does not mean that the legislator will be committed to it or that the bill will be taken seriously or given a fair hearing during the session. Some bills are sponsored for “show” or for personal political reasons with no intention on the part of the legislator to try to have the bill enacted into law. You really have to be sure of the commitment of the person you would like for your sponsor. As one legislator states, “A true legislative ally will push ahead with and for you. If he does not, you should look around for another sponsor.” And finding another sponsor is something you probably would not be able to do until the next session.

With these considerations in mind, you should be able to choose a good sponsor for your bill. Once you have your sponsor, you can enter the actual legislative process and pursue your advocacy efforts there.

ADVOCACY AT THE POINT OF INTRODUCTION

Which chamber to first introduce your legislation in is an important decision. Legislators and legislative advocates concur that your decision will really depend on the issue and that, in making your decision, you will be taking some gambles.

After you have decided which chamber to first introduce your legislation in, try to have the bill introduced early in the session. This will decrease your chances of running out of time to deal with the bill or of losing the bill in the hectic closing days of a session when calendars may be cleared imprudently. If your bill is a comprehensive piece of legislation, it is particularly important to get it introduced and into committee as soon as possible since the bill will probably be subject to much debate and amendment. Early introduction makes getting your bill out of at least the first chamber by the end of a session that much easier. And getting a bill through a chamber in a single session is not all that simple since, although a session formally covers a year, only about six months of actual legislative meetings occur.

ADVOCACY AND THE REFERENCE COMMITTEE

After introduction, a bill is referred to a standing committee for consideration by the Reference Committee in the House or Senate. This process is greatly influenced by the chamber leadership. Many legislators stress that your chances of having an impact on the referral process are slight since legislative advocates rarely have any great influence over the leadership. But they do encourage that you meet with the leadership anyway if you want to try to assure the best possible referral for your bill — it cannot hurt and it may help. For example, sometimes the leadership bases its referral decisions not so much on the content of a bill but on personal reasons such as favors owed or special requests granted. If you decide to go to the leadership, go to the sponsor or to your own legislator first. Involve them in your efforts since they may be able to open some doors for you. If the legislators are not successful in doing so, then try to contact a good friend of the leader for assistance in your initial approach. As one legislator states, “A good friend whom the leader trusts will often do the trick.”

ADVOCACY AND THE STANDING COMMITTEE

Once your bill has been referred to a standing committee, your job is to win a place on the committee agenda. The campaign for a spot on the agenda should be directed toward the committee chairperson and staff. Note that the competition for committee time is sometimes intense. Also, those bills most likely to be heard will probably be essential, popular, generally beneficial, non-controversial, or particularly appealing to the committee chairperson.

Upon winning a place on the committee agenda, work at obtaining a favorable committee recommenda-
The greatest legislative advocacy efforts usually occur at the standing committee stage of the legislative process. This is where crucial decisions are made and the fate of a bill is frequently determined. Victory in a standing committee argues well for passage, but a major setback is rarely overcome.

The Committee Members

Before approaching a standing committee, learn as much as possible about the committee and its members: Who is the chairperson? How powerful is the chairperson? What is the chairperson’s position likely to be on the issue? Who are the committee members? What parts of the state do they represent? Have they expressed opinions on the issue? What are the committee’s procedures? Who are the committee staff or aides? What are their positions likely to be on the issue? Most of these questions can probably be answered by the chief sponsor, the legislators and professional lobbyists on your side of the issue, and the office of the committee chairperson.

Influential Forces

In addition to learning about the committee members, it is important to learn about the forces that influence the committee. Most importantly you must realize that, though this may vary from biennium to biennium, the Speaker of the House and President of the Senate have enormous influence on both a committee's make-up and its actions. According to many legislators and legislative advocates, these leaders are the “conductors of an orchestra,” coordinating the activities of all others.

The following example illustrates the importance of a leader's influence:

A legislator introduced a piece of legislation in support of the arts. Within his proposal was a request for an appropriation of $10,000,000 for the arts—a tenfold increase over what they had previously received. The Speaker of the House was strongly opposed to the bill, claiming that there were greater needs for money elsewhere. So the legislator made elaborate plans to bring the Speaker to large cities across the state where he could be persuaded to favor the arts. On his trip to one major Ohio city, the Speaker was driven from the airport in the mayor's limousine to a reception attended by the most elite figures of the city. Patron after patron went up to the Speaker, urging him to support the legislation on behalf of the arts, until finally, at one point in the evening, the Speaker turned to the legislator and said, “What are you trying to do to me?!!?” But the Speaker became a supporter of the legislation and conveyed his support to the standing committee that was considering the legislation. The arts received an appropriation of $5,000,000.

The Speaker and President are not alone in their influence over a standing committee. Committee chairpersons have a good deal of influence as well. They preside over their committees, maintain order, put issues before their committees, and determine when votes will be taken. Recognize, however, that committee chairpersons are not all-powerful. As Jack Davies points out in Legislative Law and Process, group consensus does play a significant role in the committee process. A committee chairperson cannot and does not maintain either the committee members’ allegiance or the highest degree of effectiveness by disregarding committee members’ attitudes on what ought and ought not to be done. Even the most dictatorial appearing decisions of committee chairpersons are usually consensus decisions from the committee itself or from the majority members and caucus leaders.

Plan Of Action

Once you have learned about the make-up of a committee and the forces that influence it, you can map out a timetable and strategy for your advocacy efforts. Based on what you have determined to be the preliminary position of each committee member and who you have determined to be the leading figures on both sides of the issue, you can decide who to concentrate on (usually your efforts will be directed toward those members who are the least committed to a position or who claim to be neutral or to be keeping an open mind), what kinds of arguments or approaches will be most effective, and who else to enlist in your advocacy efforts.

Whenever possible, your advocacy efforts toward a particular committee member should come from, or at least appear to come from, that member’s legislative district. Legislators are most concerned about and responsive to the views of their own constituents. Therefore, if none of the people involved in your effort are from the districts of the target members of the committee, try to locate people from those districts to join in your efforts.

Public Hearings

In addition to influencing the members of a committee individually, you can influence them as a group by testifying at the committee or subcommittee meetings. These meetings are referred to as public hearings because they involve hearing testimony by persons directly interested in the legislation.

Public hearings provide the opportunity to educate and influence legislators, spotlight issues, educate the public, arouse public opinion, publicize positions and problem solutions, and test reactions to positions. They are important because when the legislators eventually vote on a bill they may tend to lean heavily on the testimony presented at the hearing. Public hearings are also important because they can help you learn what other citizens or groups think and why, what the attitudes of
officials are, what facts you did not know or have not considered, where to get more information, and what gaps there are in your own statement or viewpoint. As a legislative advocate, you should try to attend all of the public hearings pertinent to your issue. As one expert emphasizes, “Even if you do not testify at every one, you can still serve as a resource. Offer your expertise and committee members will come to rely on you.”

Public hearings are usually held in the State House. Room assignments for House committees are posted on the blackboard located on the second floor of the House chambers; committee rooms are on the third floor. For Senate committees, room assignments are posted on the blackboard in the back of the Senate chambers; committee rooms are on the first, second, and third floors. The best resource for finding out when public hearings are scheduled is the Ohio Citizens’ Council’s Legislative Bulletin, which comes out weekly when the legislature is in session. The Bulletin lists the committee hearing schedules for the upcoming week. In most committees, the chairperson holds a hearing for the proponents of a bill first and a hearing for the opponents second — usually a week later. After that there can be a mixture of any number of hearings.

If you determine that you would like to testify at a public hearing, schedule your appearance. Usually you can simply telephone the committee and express your wish to testify. Also, find out what the hearing rules are, and be prepared to follow them. The committee can provide you with this information.

In drafting testimony, choose the best person to develop the draft. You may need two people — someone who is a good writer and someone who knows the most about the particular issue. Before putting anything down on paper, know what the committee is considering — a few aspects of the issue or the entire issue. Then gather all available data and hold conferences with experts in the field. When you are ready to write, begin your statement by identifying yourself and the group on whose behalf you are testifying, any persons accompanying you and the groups they represent, the bill number and title you are speaking about, and your position. The content of your statement should be brief and accurate. If you choose to, you may incorporate statistics and quotations, but leave out lengthy abstractions. Also, avoid cliches, repetitive language, antagonism, and belligerence. End your statement by offering to answer any questions the legislators may have and by thanking the members of the committee for the opportunity to present your testimony.

Before you testify make sure your own legislator knows you are doing so. If your legislator is not a member of the committee, educate the legislator in person about your concern. If your legislator is a member, introduce yourself ahead of time as a constituent from the district.

As soon as you arrive at the hearing, you must fill out a witness slip (refer to Sample 6.1). Just ask the committee secretary or page for the slip when you enter the hearing room, and return it to the chairperson, secretary, or page.

In presenting your testimony, address the committee, not others in the audience, and be familiar with the names of the committee members. Do not try to be more of an expert than you really are. And do not make arguments or assertions you are not prepared to prove and defend. Be ready to answer questions. A committee functions like a jury, and committee members want to better understand what you mean; they attain this understanding through questioning. Just do the best you can, and do not be afraid to say you do not know the answer to a question. Instead, volunteer to research the question or refer the legislator to someone else attending the hearing who may know the answer. Try not to be defensive, even though a legislator may ask a question only to make a point. And if you must disagree, do so politely.

Have copies of your testimony on hand — enough for the entire committee, the committee staff and aides, the media, and others — and give them to the chairperson after you have testified.

For your testimony to have as great an impact as possible on the committee, try to have a large representa-

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**Sample 6.1: Witness Slip**

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<tr>
<th>Name _____________________________</th>
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<td>Address ___________________________</td>
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<td>Organization ______________________</td>
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<tr>
<td>Appeared Before (Senate) (House) __________ Committee</td>
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<tr>
<td>Proponent _________________________</td>
<td>Opponent __________</td>
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<td>H.B. No. _________________________</td>
<td>S.B. No. ______</td>
</tr>
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tion of groups and organizations testify along with you or at least back you up. In the words of one legislative advocate, "Testimony at public hearings from a few scattered organizations just doesn't do the trick." Remember, however, this point made by another legislative advocate: "You will not necessarily be effective by bringing a large group of people to a hearing who don't even know what they're there for; seat covers are meaningless."

Sometimes, no matter how great an impact you try to have on a committee, your efforts will be futile as the hearing panel will not be seriously interested in your views and will actually try to discourage your participation. As noted by the League of Women Voters in Anatomy of a Hearing, some indications of a situation in which a hearing is just an exercise are when invited witnesses represent only one point of view, when the questions asked bring out only one type of response, when persons giving different points of view are passed over quickly and asked no questions, when public notice of the hearing is short and announcements inconspicuous, and when the hearing room is too small to accommodate all those who want to attend.

Amendments

When you focus your advocacy efforts on a standing committee, you will have to deal with amendments and the amending process.

An amendment is a proposal to make a change in a bill to accomplish either one of two important legislative tasks — the accommodation of interested and affected groups or the elimination of technical defects. Of course, amendments are not always what they seem. In The American Legislative Process — Congress and the States, William J. Keefe and Morris S. Ogul emphasize that amendments represent ways of both perfecting and undermining bills. Weeks and months of study and planning may precede their introduction, or only a few minutes may be spent. The alterations they impose may be so slight as to involve nothing more than a change in language or so drastic as to effect total substitution. As one legislator puts it, "Sometimes committees amend the hell out of bills so they'll never pass in either chamber."

As a legislative advocate, you can be a participant in the amending process, suggesting your ideas to legislators and then pushing for them or helping legislators push ideas of their own that you favor. Your chances of being successful in the amending process, as one legislative advocate points out, may be greatest at the beginning of the committee process when legislators are still unfamiliar with the bill and uncommitted to a position.

ADVOCACY AND THE RULES COMMITTEE

Once a standing committee makes a report, the bill is sent to the Rules Committee, which decides when to place the bill on the Calendar for consideration by the whole chamber. Since both the House and Senate Rules Committees are greatly controlled by the leadership, your chances of having any influence over Rules decisions are slim. Still, as in the case of the referral process, it cannot hurt to try.

ADVOCACY IN THE FIRST CHAMBER

When your bill goes to the floor of the first chamber for action, your advocacy efforts must go to the floor as well. As a legislative advocate, you are by no means powerless on the floor. Since floor action invites public scrutiny, legislators are sometimes more vulnerable to advocates there than in committee. Every vote has the potential to affect the legislator's future because the vote is preserved in the records of the advocate who, along with all the persons the advocate represents, can influence the legislator's survival in the next election. Therefore, be present during the period that the bill is on the floor — not only to influence and keep track of the legislator's decisions but also to keep track of the amending process.

Similar to your efforts in committee, as a legislative advocate on the floor you can participate in the amending process. Here, however, your chances of being successful may be greatest at the end of a session when the legislators are tired. Also, on the floor you may have to deal with more people than in committee. This is because the sponsors of floor amendments may number a dozen or more, and they may include members who fully intend to vote for the bill as well as members who intend to oppose it.

ADVOCACY IN THE SECOND CHAMBER

After your bill passes the first chamber, it advances to the second chamber where it goes through a legislative process similar to that in the first chamber. Usually passage of your bill in the first chamber will carry it a significant way toward passage in the other. Some of the reasons for this, as indicated by Jack Davies in Legislative Law and Process, include the following:

- a bill requires less work in the second chamber since the rough edges have been removed by the first chamber (the tendency is for bills to be more carefully screened in their chamber of origin);
- opponents have had input in the first chamber and, if accommodated there, may hold their fire as the bill is processed in the second chamber;
- concern about wasting time on a bill that will not pass is reduced since the bill has already cleared the other chamber;
- there already exists a momentum from the affirmative action of the first chamber, and members of the second chamber assume the affirmative vote in the first chamber had a basis in logic.
Of course, passage by the first chamber is no guarantee for passage by the second chamber. For example, one chamber may pass a bill — usually for political reasons — on the clear understanding that it will be killed in the other. This is a tactic of the legislative process that you really have no control over. There are other tactics, however, that you can have control over. Even if you never use any of them yourself, you should be familiar with them in case your opposition does. These tactics, as defined by Jack Davies in Legislative Law and Process, are listed below:

- **Easing Agreement** — This is a basic tactic in which the advocate makes sure the position is easy to agree with and difficult to oppose. Each aspect of the bill is designed to accomplish its objective with the least ruffling of feathers. Sharp lines that might precipitate open opposition are avoided.

- **Amendments to Improve** — A frequent legislative dilemma occurs when either a friend or foe offers an amendment to water down or soften a bill. The opposition of the bill intellectually favors whatever will weaken the proposal but fears the amendment may moderate the bill just enough to win sufficient votes for passage. The opposition may decide to join supporters of the pure bill to defeat the amendment in the expectation that the pure bill will die. Or the opposition may support the amendment so that if the bill does pass, it will be more acceptable.

- **Killing with Kindness** — A bill is sometimes put in jeopardy by amendments that strengthen or expand it. Opponents may attempt to topple the bill by making it top-heavy with amendments, extending its reach beyond politically acceptable limits. The technique is to add provisions to the bill, consistent with its main purpose, that are designed to create enough new opposition or expense to kill the bill.

- **Foot-In-The-Door** — Through this tactic a bill is passed in a limited form to open the way for subsequent legislation.

- **To Oppose or Ignore** — When you are against a piece of legislation should you step forward in opposition and perhaps pay the price of drawing attention to the proposal? Or should you ignore the bill, treating it as unworthy of attention or action, and run the risk of quick legislative action based on a one-sided story?

- **Hairy Arm** — A “hairy arm” is an obvious feature of a bill that critics pounce on as the point of vulnerability in the proposal. Sponsors may defend it for a time knowing along that they will delete it right before the critical vote. Then the opposition is left to fight the rest of the bill, which they may not have criticized or even studied.

- **Hostage Bill** — A bill is kept hostage by a committee or chamber until another legislative action occurs in exchange for its release.

If your bill passes the second chamber in a different form than it passed the first chamber (due to amendments or substitution), and if the first chamber does not accept the bill in the form passed by the second chamber, the second chamber may call a conference committee. The conference committee would then work on the bill and come up with a compromised report that would be presented to both chambers for approval.

As a legislative advocate, you will probably be unable to influence the ongoings of the conference committee — unless you have inside access to some of the members, which would be highly unlikely. Therefore, about all you can do is hope for the best possible outcome. Since conference committee reports are not only closed to amendment on the floor but also carry high priority — so high, in fact, that they tend to represent the last word of the legislature.

### ADVOCACY AND THE GOVERNOR

As soon as both chambers pass your bill, with or without assistance from a conference committee, the bill becomes an act and advances to the Governor for approval. The Governor is expected to sign the act so that it can become law (otherwise, the Governor may also veto it or take no action on it and allow it to become law without the Governor’s signature). The Governor’s signature, however, should never be taken for granted. As one legislative advocate suggests, at best the Governor’s

<table>
<thead>
<tr>
<th>Strategies That May Be Employed In Working For Or Against A Bill</th>
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<tbody>
<tr>
<td>Creating and then emphasizing widespread public support for or opposition against a bill.</td>
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<tr>
<td>Minimizing public awareness of, or concern about, a bill (especially when public opinion is likely to be aroused against your position).</td>
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<tr>
<td>Mobilizing public officials, civic leaders, and other prominent citizens to speak out on a bill.</td>
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<tr>
<td>Persuading powerful citizens’ groups to take public or editorial positions on a bill.</td>
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<tr>
<td>Emphasizing the unworkability, cost, unconstitutionality, or disastrous side-effects of a bill you are opposed to.</td>
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action on an act can only be somewhat predicted by looking at the House and Senate votes on the bill (if voting was based strictly upon party lines, then the Governor's move can be anticipated) or by looking at the Governor's political posture on similar issues. So you may have to influence the Governor as well. Use visits, letters, phone calls, and the media to influence the Governor. Involve as many groups and organizations as possible. And try to make sure that the Governor sees your cause as being politically expedient. Emphasize how the Governor might get some mileage out of signing your act.

OTHER ASPECTS OF FORMAL LEGISLATIVE ADVOCACY

Beyond those aspects of formal legislative advocacy discussed above, the advocate may be involved in influencing both chambers simultaneously and in defensive advocacy. Throughout all of the aspects of legislative advocacy discussed in this chapter, the advocate must persevere despite frustrations.

INFLUENCING BOTH CHAMBERS SIMULTANEOUSLY

This chapter has concentrated on how you can formally advocate a bill as it goes through both chambers of the legislature, one at a time. Sometimes, however, both chambers simultaneously give separate consideration to an issue. When this occurs, conflicting approaches to the issue are nearly inevitable. About all you can do is relay messages between sponsors in the separate chambers as promptly as possible.

DEFENSIVE ADVOCACY

This chapter has also focused on offensive advocacy, on trying to get a bill passed. But advocacy also occurs at the defensive level, where the advocate tries to prevent a bill either from passing in its present form or from passing at all. For example, if there is a bill that is going to hurt you, then you can try to persuade the legislators that the problem is isolated or already covered by law or administrative rule. Or you can try to solve the problem in some other way besides legislation. If the bill does get introduced, you can try to keep it from being referred to the appropriate standing committee. And if it goes to the appropriate standing committee, you can try to get it into a subcommittee in the hopes of burying it. Another alternative might be to submit counter-legislation. Then perhaps a trade-off can be established ending in the destruction of both bills.

PERSEVERANCE

Formal legislative advocacy is complicated, and it can extend over a long period of time — years and years. At best, it will lead you to difficulties and frustration. As noted by William J. Keefe and Morris S. Ogul in The American Legislative Process — Congress and the States, Woodrow Wilson wrote, “Once begin the dance of legislation and you must struggle through its mazes as best you can to its breathless end if any end there be.”

But persevere; do not quit. You must constantly bird-dog legislation to increase your chances of reaching your goal, assuming that your goal is reasonable. One very experienced, well-known, and respected advocate is so good at bird-dogging that he has picked up the nickname “Gum Shoe.” Gum Shoe attests that day-by-day drudgery is required from the advocate since, in the final analysis, it is pressure that gets legislation through the legislature. Other legislators and advocates certainly agree with him. One legislator emphasizes how circumstances in the legislature are always changing — so quickly that sometimes bills just seem to pop up. And the advocate who is not always there misses the chance to have an impact. In particular, this legislator cites the example of when a bill to reduce industrial taxes through a personal property tax relief was introduced in the legislature. The bill flowed through the legislature so quickly and discreetly that social service advocates could not take any defensive action against the bill. The passed tax deduction resulted in sixty million less dollars for the state — much of which would have gone to the social services.

So be committed. Withstand the tricks that are sometimes played on advocates — double-crossing, broken promises, being made a fool of — and develop a thick skin. In the words of one legislative advocate, “Let them knock you out, but don’t give up.”

GRASSROOTS LEGISLATIVE ADVOCACY AND MEETING WITH LEGISLATORS

On the formal level, the legislative advocate arranges meetings between the advocate and the legislator. On the grassroots level, the legislative advocate arranges meetings between a group of constituents and their legislator. Citizens can either call on the legislator personally or invite the legislator to address them in an open meeting on the subject of the proposed legislation.

ARRANGING PERSONAL VISITS

When calling on the legislator in person, the same guidelines apply to citizens that apply to legislative advocates, as discussed earlier in this chapter. One additional guideline is that it is usually best to arrange small group visits — about five or six people — and to convey the impression that the small group is merely representative of many more. Most legislators are sensitive to the views of their constituents. Thus, personal visits are an excellent grassroots tactic to employ.
Some Tips For Legislative Advocates

- Be careful not to lock yourself so tightly to one political party that you are unable to work with the other.
- Pay attention to your opposition. Understand the motives of your opposition, and do not allow yourself to be baited into a trap. Any specific action by your opposition should be interpreted as being done for a reason. Find out what the reason is.
- Maintain regular contact and good rapport with the Governor, legislators, professional lobbyists, other legislative advocates, and legislative staff.
- Expect to work evenings and odd, often unpredictable, hours. Many major decisions are not made on the floor of the legislature.
- Maintain contact and good rapport with the news media.
- Ask for help or advice if you need it.
- Learn to accept defeat graciously.
- Remember that more bills die from inattention than from opposition.
- Be flexible so that you can adjust to circumstances.
- Avoid going to the legislature only at the last minute when some issue critical to your interests is about to reach a final vote. Even worse, do not remain silent throughout the legislative process and then write scathing letters to legislators on how bad a bill was, as finally enacted.
- Develop a sophisticated sense of timing and appropriateness. Gain a perceptiveness about when to propose changes, and learn how to maneuver within the legislative process.
- Keep in mind that in some instances the House may be more susceptible to advocacy efforts than the Senate since Representatives run for office more often than Senators and are also closer to the people (i.e., they represent smaller districts).
- Remember that all causes are good causes and that you must convince the legislature that there is something extra-special about yours.

INVITING LEGISLATORS TO MEET WITH THE GROUP

Citizens, or legislative advocates on behalf of citizens, can ask a legislator to address an open meeting for a number of reasons, such as to help the group become better informed on the issue or to force the legislator to become better informed on the issue (the legislator will have to become knowledgeable before addressing the meeting).

When inviting a legislator to address an open meeting on the subject of the proposed legislation, the legislator should receive the invitation as far in advance as possible. The invitation should then be followed with a phone call or letter. A few days before the speaking engagement the legislator should be presented with an outline of the issue and alerted to the attitudes of those who will attend and what questions may surface.

Instead of, or in addition to, inviting legislators to address an open meeting, your group may decide to invite legislators to tour its agency or organization for the purpose of educating the legislators about the group. In arranging for legislators or other public officials to tour an agency or organization, do the following:

- Call or write the legislators and ask them to accompany you on a tour (or have an influential board member call or write the legislators as well as conduct the tour);
- If you are inviting several persons at one time, include a complete list of the persons you expect to attend in the letter of the invitation;
- Invite representatives of the media to attend, and mention that you have done so in your letter of invitation;
- Offer to pick up the legislators, and be sure to take them back at an agreed-upon time;
- Include breakfast or lunch.

If you would like to invite a legislator to participate at an annual meeting, major workshop, or forum, remember that the legislator’s time is at a premium. So make your arrangements well in advance. In the letter of invitation, describe the legislator’s expected participation (e.g., speak, answer questions, or accept an award) in your activity. Also, let the legislator know when and where the legislator should arrive and the time the legislator may expect to leave. Offer alternative dates and follow up to confirm the legislator’s attendance. Leave your schedule flexible enough to accommodate minor changes. When the activity actually occurs, involve as many of your members and other community groups as
possible. And have someone there to take pictures. In your follow-up of a note of thanks, include the pictures.

GRASSROOTS LEGISLATIVE ADVOCACY ACTIVITIES

In addition to citizen meetings with legislators, grassroots legislative advocacy activities include letter-writing campaigns, telegram campaigns, telephone campaigns, petition-signing campaigns, election campaign assistance, and appeals to the public-at-large.

LETTER-WRITING CAMPAIGNS

Some people may hesitate to write letters to their legislators because they think that the opinion of the average person can do little to influence the course of government. But they are wrong. Most legislators highly regard the views of their constituents, and they really do welcome letters.

Of course, there can be no guarantee that every letter will result in the desired action. But it is still worthwhile for people who have well-formulated views that they can explain clearly to write to the appropriate legislators. The letters may be interpreted as a measure of interest. Or they may aid the legislators in achieving a sound decision.

A good letter represents a carefully reasoned analysis of why a decision one way or another would be desirable. Letters of this kind are particularly likely to be influential if they come from a legislator's own constituents. Sometimes, however, the most important legislator to influence is not your own. If this is the case, write to that legislator.

Letters are also likely to be influential if they arrive at the "right" time, such as when legislation is being drafted, when hearings are being held, or when a vote is pending on the floor.

The Format And Content Of The Letter

The letter you write should be properly addressed. Your return address should always be included. And you should always write legibly.

The letter should be personal — on your own stationery — and cover a subject that you, of course, are interested in and have sufficient knowledge about. In writing the letter, you should be as brief as possible and get right to the point. Be sure to tell the legislator in the letter not only what you would like the legislator to do but also why you think the legislator should do it. If personal experiences or editorials from local papers are relevant, do not hesitate to mention or include them. Also, if you have specialized knowledge, share that with the legislator. Be modest and polite. Without pretending to have vast influence, identify with a group if possible and with a cause as well. If you are a constituent, say so. And if you supported or voted for the legislator, you might say that, too.

The letter should end by urging the legislator to support your views and by thanking the legislator for giving your correspondence attention.

Addresses And Correct Salutations And Closings

STATE SENATOR OR REPRESENTATIVE

The Honorable (Name)___
The State House
Columbus, Ohio 43215
Dear Senator (Name)___:
Dear Representative ___ Name ___:
Sincerely yours,

GOVERNOR

The Governor
The State House
Columbus, Ohio 43215
Dear Governor (Name)___:
Sincerely yours,

U.S. SENATOR

The Honorable (Name)___:
United States Senate
Washington, D.C. 20510
Dear Senator (Name)___:
Sincerely yours,

U.S. REPRESENTATIVE

The Honorable (Name)___:
United States House of Representatives
Washington, D.C. 20515
Dear Representative (Name)___:
Sincerely yours,

VICE PRESIDENT

The Vice President
The White House
Washington, D.C. 20500
Dear Mr./Ms. Vice President:
Sincerely yours,

PRESIDENT

The President
The White House
Washington, D.C. 20500
Dear Mr./Ms. President:
Very respectfully yours,
Getting Citizens To Write

Knowledge of the guidelines and rules for writing letters does not guarantee that letters will be written. Some people may, of course, be very proficient at letter writing and anxious to do so on their own. Many others, however, will be quite the opposite. As a legislative advocate you certainly cannot force anyone to write a letter, but you can take some steps to ease the effort:

- send out a newsletter urging people to write and providing them with some sample letters;
- send out the above and include stationery and envelopes;
- organize a “letter-writing party” — a social gathering with twenty minutes set aside for writing letters;
- send out postcards with pre-printed messages that people only have to sign, stamp, and mail (this sort of correspondence is known to have a minimal effect on legislators, but it is better than nothing at all).

TELEGRAM CAMPAIGNS

Telegram campaigns are effective at any point in the legislative process, but they can make their greatest impact as last-minute communications. You can organize a successful telegram campaign by getting members from your group to agree to pay for telegrams to be sent in their names to legislators. Members do not have to send the telegrams themselves. Each member merely has to fill out a postcard and return it to the group (refer to Sample 6.2).

When sent to the members of a group, these postcards should be accompanied by a letter that fully explains the issue, the need for participation, and the deadlines that must be met.

Citizens who want to take the initiative to send their own telegrams may do so by calling Western Union, which is open 24 hours a day. Western Union can bill them directly, charge the telegram to their home phones, or allow them to charge the telegram with major credit cards.

The following types of wires are available through Western Union:

- **Telegram** — delivery is within five hours — there is a limit of 10 words — not included in the word count are to whom it is addressed and your name and street address.
- **Opiniongram** — delivery is generally the same day — up to 20 words are allowed in the main message — not included in the word count are to whom it is addressed and your name and street address.
- **Mailgram** — delivered by mail during the next working day — up to 50 words are allowed in the main message, including your city and state, which are required — not included in the word count are to whom it is addressed and your name and street address.

Although telegram campaigns are expensive grassroots advocacy activities, they do force legislators to recognize the seriousness of the constituents’ convictions. The legislators see how much their constituents are willing to spend to communicate their messages.

TELEPHONE CAMPAIGNS

Under certain circumstances, such as when personal visits are unfeasible and letter-writing or telegram campaigns are unreliable, you may decide to urge citizens to telephone their legislators.

---

**Sample 6.2: Telegram Campaign Postcard**

**PLEASE PRINT**

Yes, I wish to participate in the telegram campaign regarding _____________________________

Name ________________________________ Phone ________________________________

Address ________________________________

City __________________________ Zip __________

I authorize the use of my name, and you may charge 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ (check one) telegram(s) to my phone number.

Signature ________________________________ Date ________________________________
Some Letter-Writing Don’t’s

- Don’t be abusive or threatening.
- Don’t expect much impact from a form or mimeographed letter.
- Don’t begin on the righteous note of “As a citizen and a taxpayer....” The legislator already assumes that of the person writing.
- Don’t apologize for writing and taking up the legislator’s time. A legislator who feels you are taking up time should not be a legislator and probably will not remain one for long.
- Don’t send a carbon copy to a Senator when you have written to a Representative or vice versa.
- Don’t forget to write your legislator when the legislator does something you approve of.
- Don’t postpone writing.

PETITION-SIGNING CAMPAIGNS

The effectiveness of petitions is questionable. Though petitions may seem to represent agreement on a position among many people, sometimes they are not representative of public opinion, as people may not know what they are signing or signatures may be forged. However, sometimes petitions can have an impact on a legislator, particularly if they are presented to the legislator during a personal visit.

ELECTION CAMPAIGN ASSISTANCE

Some citizens’ groups urge their members to volunteer their time to the election campaigns of certain legislators. The situation is one of citizens’ group campaign support now in return for legislative favors later. After all, the legislator who accepts electoral support from a citizens’ group’s members cannot avoid some measure of obligation to those who provided that support.

Though campaign assistance is acclaimed by both legislators and legislative advocates as an excellent grassroots activity — “the best gift one can give a legislator is time and energy during campaigns” — you should be wary of activity that is too visible during election campaigns. This is because you will have little influence with a victorious legislator who knows you actively supported the legislator’s defeated opponent in an election.

Note that any campaign assistance to a politician by members of a non-profit or federally funded group must be in the form of individual help. The Internal Revenue Service and Office of Management and Budget guidelines for supporting political candidates are discussed in Chapter Eight.

APPEALS TO THE PUBLIC-AT-LARGE

The grassroots activity of “appealing to the public-at-large,” which is sometimes referred to as “inspired communications,” is known to lack effectiveness, though it is better than nothing. It occurs when appeals are made to large groups of people to take action on an issue. Instead of resulting in personal, individualized correspondence, wires, or phone calls, these appeals result in a deluge of identical or “stock” letters and postcards, wires, or phone calls. Legislators are quick to pick up on this and may not pay much attention to it. As noted by William J. Keefe and Morris S. Ogul in The American Legislative Process — Congress and the States, even when different types of messages (“variations on a theme”) are used in an attempt to suggest spontaneity, standard clauses, repetitive and shop-worn expressions, and the tendency for the messages to arrive in batches are clues that the “voice of the people” is limited indeed. Still, at times the sheer number of appeals to the public-at-large may move a legislator to take a desired action.
### A Summary Of Legislative Advocacy: When To Do What

<table>
<thead>
<tr>
<th>WHAT</th>
<th>If You Are Creating And Trying To Have An Impact On Your Own Bill</th>
<th>If You Are Trying To Have An Impact On A Bill You Have Not Created</th>
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<tbody>
<tr>
<td>WHEN</td>
<td></td>
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<tr>
<td>Approximately Six to Nine Months Before The Legislative Session</td>
<td>Discuss with key members of your group the specific legislative proposal to be worked on.</td>
<td>Try to explore the bill drafting that is going on throughout the state in your area of interest.</td>
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<td></td>
<td>Begin drafting the legislation or at least outlining ideas so that the Legislative Service Commission will have a foundation to draft from.</td>
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<tr>
<td>Approximately Four to Six Months Before The Legislative Session</td>
<td>Recruit a legislator to take either the draft or outline of your bill to the Legislative Service Commission.</td>
<td>Determine upcoming bills that you will advocate for or against.</td>
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<td>Identify the potential proponent and opponent constituencies for your bill.</td>
<td>Identify who you will probably be working with and against.</td>
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<td>Identify the decision-makers in the legislature (legislators, officials, party leaders) and learn how to reach each of them.</td>
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<td></td>
<td>Assess the numbers, resources, time, and energy of your citizens’ group. Determine what your group will be able to do.</td>
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<tr>
<td>Approximately Two to Four Months Before The Legislative Session</td>
<td>Select sponsors for your legislation, and try to get early commitments from other legislators.</td>
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<td></td>
<td>Arrange visits with decision-makers in the legislature to let them know about your interests and to ascertain their viewpoints.</td>
<td>Obtain commitments from allies and form coalitions if possible.</td>
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<td>If it is an election year, arrange meetings with winners and assert their support.</td>
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<tr>
<td></td>
<td>Obtain commitments from allies and form coalitions if possible.</td>
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<tr>
<td>Approximately Three Months Before The Final Vote In The Legislature Is Anticipated</td>
<td>If a coalition has been formed, have a general briefing session for members, and set up a communications network.</td>
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<td></td>
<td>Concentrate on the sources and kinds of opposition you will be facing. Prepare statements to counter expected arguments from the opposition, and publicize them before the opposition surfaces publicly.</td>
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<td></td>
<td>Make a preliminary head count based on what you know so far.</td>
<td>Develop your grassroots advocacy strategy.</td>
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<td></td>
<td>Develop your grassroots advocacy strategy.</td>
<td>If it will serve your purposes, establish media contacts and keep the media informed.</td>
</tr>
<tr>
<td></td>
<td>If it will serve your purposes, establish media contacts and keep the media informed.</td>
<td>Start lining up endorsers from the community.</td>
</tr>
<tr>
<td></td>
<td>Start lining up endorsers from the community.</td>
<td>Contact individuals and organizations who may be able to influence certain legislators.</td>
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### A Summary Of Legislative Advocacy: When To Do What (Con’t.)

<table>
<thead>
<tr>
<th>WHAT</th>
<th>If You Are Creating And Trying To Have An Impact On Your Own Bill</th>
<th>If You Are Trying To Have An Impact On A Bill You Have Not Created</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WHEN</strong></td>
<td>If you have previously contacted the media, use these contacts to intensify public education on the issue and urge public support.</td>
<td>If you feel the timing is right, begin to activate some of your grassroots strategies.</td>
</tr>
<tr>
<td>Approximately Two Months Before The Final Vote In The Legislature Is Anticipated</td>
<td>If you feel the timing is right, begin to activate some of your grassroots strategies.</td>
<td>Maintain regular contact with legislators.</td>
</tr>
<tr>
<td>Approximately One Month Before The Final Vote In The Legislature Is Anticipated</td>
<td>Pursue your grassroots advocacy activities.</td>
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<td>Update your head count at least weekly.</td>
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<td>Go after further media coverage if you feel it will benefit your cause.</td>
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<td>If you have recruited prominent endorsers, keep them in the public eye.</td>
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<td>Stage a big event if you feel it will help.</td>
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<tr>
<td>Approximately One Week Before The Final Vote In The Legislature Is Anticipated</td>
<td>Keep in close touch with others on your side of the issue.</td>
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<td>Organize your last grassroots advocacy blitz.</td>
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<td>Stick with your formal legislative advocacy efforts, meeting with legislators on a one-to-one basis.</td>
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<td>Update your head count daily.</td>
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<td>If it will help your cause, intensify public information efforts through the media.</td>
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<td></td>
<td>Keep on top of the plans of influential legislators who will carry the debate for your side of the issue on the floor.</td>
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</tbody>
</table>

### CHAPTER SIX: NOTES

The content of this chapter is based on information from the following sources:

- Kay Hughes, *How to Promote Mental Health* (Columbus, Ohio: October 1977).
THE MEDIA

Legislators are influenced by public opinion. Therefore, it is important to get your message to the public so that citizens can then relay that message to their legislators. An excellent way of communicating your message is through the media.

Media is the channel of communication that allows a message to be sent from one source to a large number of people. In an advocacy effort, you can use the media by seeking news/public affairs coverage.

NEWS/PUBLIC AFFAIRS COVERAGE

Types of news/public affairs coverage include the non-commercial use of television, radio, and newspapers. It is important to remember these factors about any type of news/public affairs coverage:

- **It is not automatically available.** The existence of an advocacy effort does not guarantee that it will ever be noticed by a newspaper, radio station, or television station. The effort must make news to get coverage from the media.

- **It is difficult to control news coverage.** An advocacy effort has virtually no power over what is actually said by the news media as well as how, when, and where.

NON-COMMERCIAL TELEVISION COVERAGE

Non-commercial television coverage on commercial broadcasting, public broadcasting, and cable stations includes the following:

- **Public Service Announcements (PSA's)** — PSA's are short messages (10, 20, 30, or 60 seconds) that are broadcast at no charge for non-profit organizations.

- **The Newscast** — Most television stations have locally produced early and late evening newscasts (usually at 6 p.m. and 10 or 11 p.m.). Some also have early morning local news shows on breakaway spots from the networks and noon-time local news shows. As part of the newscast, most locally produced news shows will conduct news interviews — in the studio or at the site of an event — on topics of local significance.

- **The Documentary** — Some local stations devote part of their public service news time to documentaries on subjects of local significance and interest.

- **The Editorial Commentary** — Local stations broadcast their own editorial commentaries. They may also welcome commentaries from viewers.

- **The Public Affairs Program** — Most local stations have regularly scheduled as well as special public affairs programs.
NON-COMMERCIAL RADIO COVERAGE

Non-commercial radio coverage includes the following:

- **Public Service Announcements (PSA's)** — Radio stations also broadcast these short messages.
- **The Regular Newscast** — Most radio stations have an hourly newscast that lasts from one to five minutes. Usually it is a mix of a few national stories and two or three brief local items.
- **The Public Affairs Program** — Many radio stations provide regular programs on subjects of local interest.
- **The Editorial Commentary** — Radio stations broadcast their own editorial commentaries, as well as those of their listeners.
- **The Community Bulletin Board** — Brief announcements about events are used to fill these time slots.

NON-COMMERCIAL NEWSPAPER COVERAGE

Non-commercial use of newspapers includes the following:

- **News Stories** — The newspaper’s attention must be directed to unusual, exciting, and important advocacy activities.
- **Feature Stories** — A newspaper feature story is usually built around a human interest element that has wide appeal to many readers. The feature story can be developed more thoroughly than a fast-breaking news item, and features are not usually crisis- or time-related. The best feature material, however, is often pegged to something currently in the news.
- **Editorials** — Newspapers print their own editorials on issues of significance to the community. The editorials reflect the point of view of the newspaper and are written by its own staff.
- **Letters to the Editor** — These provide good opportunities to clarify issues. Some advocates organize consistent letter-to-the-editor efforts on a small scale.

COMMUNICATING YOUR MESSAGE

Communicating your message to any type of media involves issuing news releases, setting up news conferences, promoting newsworthy events, giving interviews, and arranging for editorials. For radio or television, you can issue public service announcements, arrange to get on public affairs programs, and use community bulletin boards. For newspapers, you can write letters to the editor. Because so many agencies, organizations, and businesses vie for news space every day, your group's message to be given consideration it must meet certain criteria, as described below.

ISSUE NEWS RELEASES

The general purposes of news releases, which are used with virtually all media, are to announce an event, announce a new program or service, make a statement, take a stand, or make a challenge. News releases should offer fresh news rather than just restate old developments or positions.

The following basic rules should be considered when writing news releases:

- **Type the release on 8½x11 inch paper, double spaced with wide margins so that the editor has room to write on it. If it is a long release, consider using 8½x14 inch paper (legal size) so that you can keep it on one sheet.**
- **Identify your agency or organization in the upper left corner of the page, and provide the name of a contact person and a telephone number to call for more information. If you can afford it, have this information imprinted on the news release sheets. Otherwise, type it single-spaced.**
- **Include release instructions, typed in all capital letters, such as FOR IMMEDIATE RELEASE or FOR RELEASE: (date). Normally you should not delay the release date more than a few days after you issue the release since the reporters may lose track of it in the flurry of other stories, or some newspaper or station may break the release date and run the story too early.**
- **About one-third from the top of the page, put the heading of the release, centered and typed in all capital letters. It should briefly and accurately summarize the contents of the release. The empty space above the heading can be used by the editor to insert a headline or to make notes.**
- **Write the release like a news story, answering these questions: who, what, when, where, why, and how.**
- **Include the most important information in the lead (first) paragraph with the remaining information included in descending order of importance. Since a copy editor may cut the release to fit the available space, your most important information should be at the top where it is least likely to be cut.**
- **Use quotes liberally to liven up the prose and make your points more strongly.**
- **Be sure that facts, figures, and quotes are absolutely correct.**
- **Check and double check the spelling of all names.**
- **Use active rather than passive verbs.**
- **Be sure that spelling and grammar are correct. And do not abbreviate anything in the first reference.**
Keep the release brief and factual with short sentences and paragraphs. The whole release should not be longer than one page. However, if the release does run more than one page, at the bottom of the first page, type "more" in parenthesis and all capital letters: (MORE). At the top of the second page, type either "Page 2" or "Page 2 of 2" or "Add 1." At the top of the third page, type either "Page 3" or "Page 3 of 3" or "Add 2."

No page should end in the middle of a paragraph. If an entire paragraph will not fit at the end of a page, start the paragraph at the top of a new page.

At the end of the release, type "—30—" or "###." Either of these devices will tell the reader that the release has concluded.

Editors will, of course, edit and rewrite copy. But the less work they have to do to use your material, the better the chance that it will be used.

Hand deliver the release if that is the recommended approach in your community. Otherwise, mail it. If it is to be mailed, address it to these people:

- city desk — daily newspapers,
- editor of a certain section — if this specialized newspaper coverage is desired,
- editor — weekly newspapers and special interest publications,
- news director — radio stations,
- news assignment desk — television stations,
- public affairs director — radio and television stations that have such programs,
- political desk — newspapers and stations that have specialized political coverage.

Do not send copies of the same release to two places within the same medium without clearly indicating the duplication. Otherwise this duplication will only cause confusion and irritation; it will not increase the chances for coverage of a story.

If certain newspapers will accept photographs with releases, provide them. After all, a picture has great power to be noticed and remembered. When submitting photographs keep these points in mind:

- Almost all newspapers require 4"x6" or 5"x7" black and white glossy prints.
- Action photos are more likely to be used than still portraits.
- The fewer the people in the picture, the better the picture and the better each person will look.
- If possible, offer the photo editor a contact sheet with a variety of shots to choose from.
- Always attach a typed one- or two-sentence caption to the bottom or back of the photo to identify the people, the place, and the action. Do not actually write on the back of the photo since your writing could show through when the photo is printed.
- If possible, do not deliver identical photographs to different newspapers.
- If you want your pictures back, indicate where they should be returned.

SET UP NEWS CONFERENCES

News conferences can be set up, but only in communities that have many newspapers, radio stations, and television stations. Also, they can only be set up occasionally. Because news conferences have been overused by people who have little or nothing to say, many reporters do not like to attend them, and many television and radio stations simply ignore them. In addition, since everybody gets the same story at a news conference, they are not very enticing to the media. Only arrange a news conference if there is going to be a genuine news event. Consider these suggestions to help make the conference successful:

- Determine the local, perhaps informal, policy on news conferences. Find out what is traditional in terms of place, time, and space.
- Choose a place that is convenient for reporters and that has adequate electrical outlets for lighting and camera equipment. If the weather is hot, try to select an air-conditioned location.
- Always provide directions to whatever site you pick.
- Set the time to insure maximum media coverage. Keep in mind what the newspaper deadlines are and when news shows are aired.
- Once you have reserved your place and set your time, give the reporters as much advance notice as possible (at least 24 hours). Provide them with a notice of the news conference that will tell them enough about what will happen at the conference to make them want to come but not so much as to enable them to do their stories without attending.
- Arrive early enough to make sure the room is set up correctly. For example, set up a table in the front with a podium, check the public address system, set up rows of seats, check lights and outlets, check the acoustics, and set up coffee or soft drinks (if desired).
- Make sure that the reporters are greeted at the door. Try to ascertain their names and use them.
- Give the reporters a brief statement that outlines the news conference topic. If the news conference is to consist of a speech, prepare copies of the text for reporters to take as they leave.
- Start on time. Reporters who arrive promptly should not be kept waiting.
After you have given the initial statement, ask for questions and answer them. Be prepared to handle potentially difficult questions. If you do not know the answer to a question, say so. But promise to find out the answer and then be sure to get back to the reporter.

Do not let the news conference drag on (30 minutes is the maximum length of time).

Thank everybody for attending, and indicate that you are willing to talk informally to reporters who want to stay.

**PROMOTE NEWSWORTHY EVENTS**

Actual news coverage of an event is usually possible when the event is newsworthy and it is fairly easy for reporters to cover the event and for camera crews to set up.

A news release should be written to announce an upcoming event and delivered to media assignment editors at least two or three days before the activity actually occurs. This will give the assignment editors the opportunity to plan ahead.

Provide a courteous follow-up phone call the day before a morning event or the morning of a late afternoon or evening event. When telephoning a reminder, deliver the message quickly and succinctly. Do not insist that a reporter be assigned to cover your event since such an approach rarely works and may hinder other coverage.

For those reporters who do show up, make sure that they have complimentary tickets (if needed), a strategically located press table, microphones and telephones (if needed), and information about the event. If you anticipate that a photographer will be present to cover the event, good picture suggestions in mind. And make sure that all of the necessary people and props are ready.

Consider videotaping or filming the event yourself should television reporters and camera crews not show up. Even if a station does not attend, it may use your film (if it is of acceptable quality) along with a script for the reporter.

**GIVE INTERVIEWS**

Interviews are usually personal and intensive situations between an advocate and a reporter. Some interviewers are friendly and objective while others seek constantly to trap and discredit. Some interviewers are barely knowledgeable on the subject under discussion while others know as much as the advocate.

The best preparation for an interview is to become as well-informed as possible and to determine in advance what might be on the record (attributable to the advocate) and what might be off the record (spoken in confidence between the advocate and the interviewer).

**ARRANGE FOR EDITORIALS**

Radio and television stations use several types of editorial commentaries. One type is the guest editorial. If you have a particular matter that you want to talk about, call the person in charge of guest editorials. You will be asked to send the copy to the station in advance for approval. When you tape the commentary, you can read it at a radio station; at a television station the copy will appear on a prompter to be read.

Other types of editorial commentaries are by members of a station's or newspaper's staff and management. You may be able to persuade the management to express opinions about your issue by writing them letters or by talking to them on the phone or in person. Investigate the station's or newspaper's policy and then plan your strategy. If you disagree with the position taken by station management, you are allowed by law to give your opposing viewpoint through an editorial reply — yet another type of editorial commentary.

**ISSUE PUBLIC SERVICE ANNOUNCEMENTS**

Public service announcements (PSA's) for radio stations can be read live by the station announcer or pre-recorded. If pre-recorded, you can send a tape to the station or the station can record the message for you. Sometimes the station will record the message by phone. No matter how the message is communicated, you must begin by writing copy.

**Ways Of Manufacturing News**

You may be able to get into the papers and on the air through any of the following ways:

- Respond quickly and forcefully to others’ views on the issue (the media loves controversy).
- Issue a public challenge to your opposition to participate in a public forum.
- Grant an award or issue a proclamation to a prominent legislator or citizen on your side of the issue.
- Announce the formation of a new committee or subcommittee to work on the issue or the addition of certain prominent people to existing committees.
- Announce the adoption of a resolution or position by a local organization.
- Announce a visit by a group of local citizens to their legislators in the state capital.
- Issue a copy of the testimony presented at a legislative committee hearing.
When writing copy a good rule of thumb is to allow about two and a half words to each second:

- 10 seconds = 25 words
- 20 seconds = 50 words
- 30 seconds = 75 words
- 60 seconds = 150 words

Count extra seconds if your copy has a lot of long words. Also, count each digit in a phone number as a word so that a phone number is seven words (e.g., five-five-two-nine-four-four). Test the word so that a phone number is seven words (e.g., five-five-two-nine-four-four-four). Test the word so that a phone number is seven words (e.g., five-five-two-nine-four-four-four).

PSA’s for television stations can be live announcements using slides (the written copy is read by the station announcer), or they can be filmed or videotaped announcements. The copy for television PSA’s should be prepared in the same manner as radio announcement copy. In addition, be sure to give special attention to relating the words to the pictures. The audio portion of the PSA should be timed to run about two seconds shorter than the visual portion — 8, 18, 28, or 58 seconds.

If you are working with 35mm slides and copy, you will need one or two slides for a 10-second PSA and four to six slides for 20- or 30-second spots. Keep the presentation simple, direct, and not too detailed (e.g., type should be large and bold). Do not put too much information on one slide, or it will not be read.

To produce an effective, compelling audio/visual communication in 10 to 60 seconds takes skill and work. This is your responsibility. The station will help, but do not expect it to give you the time and also pay for your artwork, photography, and filming. Instead, consider seeking professional assistance if you can afford it.

In preparing PSA’s for radio or television, consider these guidelines:

- Provide “pronouncers” — assistance in saying any unusual names or words.
- Determine in advance what a station’s policies and formats allow (e.g., a television station may only accept 10-second PSA’s for its news programs). Shorter PSA’s generally have a better chance of being used. Consider writing the same message in different lengths so the station has a choice.
- Communicate only one idea in a PSA, and be sure the idea is of interest to a wide range of listeners or viewers. Do not confuse the audience by trying to say too much in a short message. Give an address or phone number for more information if it is desired.
- Type only one PSA to a page.
- Separate the lines of copy according to what can easily be read in one breath. If you establish natural breaks, the announcer will be able to read more smoothly. For television PSA’s, present the text so that it is clear which slides accompany what portion of the message.
- Include the length of the PSA (e.g., 10 seconds) and the dates for which the announcement is good (e.g., October 1-14). Note that you cannot indicate what time your PSA should be aired. If your announcement is accepted, that decision will be made by the station’s public affairs director. Usually PSA’s are broadcast in rotation.
- Send your PSA to the station’s public affairs director as far in advance as possible.
- Include a cover letter that explains the purpose of the announcement and any other pertinent information. Consider writing a fact sheet about any event or service discussed in the PSA. When listeners or viewers do not remember the specifics of an announcement, they often call the station. With a fact sheet, the station operator should be able to handle most calls.

ARRANGE TO GET ON PUBLIC AFFAIRS PROGRAMS

There are many regularly scheduled public affairs programs on radio and television. These interview and feature shows range in length from a few minutes to an hour and are heard and seen at all times of the day and night. Monitor the programs to determine their format and style. When you feel that something you are doing would fit into one of these programs, present the idea as specifically as possible to the station’s public affairs director or to the program producer. Planning ahead is important since many programs are recorded weeks in advance of air dates. Also, if you cannot arrange something with one station, there will still be time to try another.

In addition to their regularly scheduled programs, most stations welcome good ideas for special public affairs programs. These must be of general, area-wide interest and significance. Although the station will provide technical staff and equipment, you will have to do extensive background research and other preparations.

If you are not able to appear on a program, take advantage of any call-in opportunities and express your opinions.

USE COMMUNITY BULLETIN BOARDS

An easy way to reach a television or radio audience about a specific meeting or event is through community bulletin boards. These features are known by various names depending on the station (e.g., “Community Line,” “What’s Happening,” or “Town Crier”). Items are usually brief and timely. Provide minimum information with a phone number.
WRITE LETTERS TO THE EDITOR

One of the most-read sections of a newspaper is the letters-to-the-editor column. If properly written, a letter to the editor can accomplish at least two important objectives — the letter can alert the community that an issue is before the legislature, and the letter can persuade the reader to the writer's position, enlisting others to the advocacy effort. Try to make sure that a few favorable letters are sent each week. Do not use form letters, and do not flood the newspaper with hundred of letters at one time. If an effort looks too organized, none of the letters will be printed.

Follow these guidelines when writing letters to the editor:

- Be as forceful and persuasive as you can by using your best arguments (and omitting your weakest) and by citing specific examples, statistics, and facts.
- Write as clearly and succinctly as possible, making your letter short and to the point.
- Never lie about, distort, or even seriously exaggerate your arguments.
- Avoid attacks on individuals on the other side of the issue.
- Be sure to sign the letter. Newspapers usually do not publish letters if they are unsigned. Include your address and telephone number as well.

You can also submit longer opinion articles to the press. In terms of form and substance, these articles can be an extended version of a letter to the editor, with the same guidelines applying.

ADDITIONAL CONSIDERATIONS
IN WORKING WITH THE MEDIA

Additional considerations in working with the media include learning to live with deadlines, planning all activities with media coverage in mind, and working with reporters.

LEARN TO LIVE WITH DEADLINES

The media operate according to very strict deadlines. No rules are more rigid or necessary. So you must know what the media deadlines are and structure your activities to conform to those demands. Deadlines usually follow these guidelines:

- Daily newspapers that appear in the morning must have materials by late in the afternoon on the day before they go to press. Daily newspapers that are published in the evening must have their information by noon of the day of publication. Since many pages of a daily newspaper are put together much earlier than the official, last-minute deadlines, the news available at that time is used to fill the space. You will have a better chance of getting into print if you get your news releases in well before the deadlines.
- Weekly newspapers require releases at least two days before publication.
- Foreign newspapers usually have very early deadlines since they need time to translate the material.
- Radio and television have much shorter deadlines because they do not involve the same time-consuming production as newspapers. Radio, in particular, has very flexible deadlines since many stations broadcast news every hour and a few broadcast news continuously, day and night. The latter can accept and move news on the air within minutes.

PLAN ACTIVITIES WITH MEDIA COVERAGE
IN MIND

Make the most of available media coverage. For example, a 10 a.m. event on Monday morning may get coverage in the afternoon newspaper, the early and late evening television newscasts, radio newscasts all day long, and the morning newspaper the next day. On the other hand, a Monday 6 p.m. event may bring coverage only on the late evening news with virtually no coverage in any media the next day. Because weekends are slow news times for radio stations, a timely public service announcement could get on the Friday, Saturday, and Sunday radio newscasts.

There is, of course, no guarantee of any coverage. It depends on the local media, the newsworthy nature of the activities, and the competing news and activities.

WORK WITH REPORTERS

The way you work with the media can be as important as what you have to say to the media. If you want to increase your chances of making news, you need to know how to work with reporters. These suggestions should be kept in mind:

- Always learn the deadlines and policies, and conform to them.
- Always keep appointments.
- Always provide accurate information.
- Always give direct answers to questions.
- Always thank the people you work with — in writing. It is good public relations on your part. Also, reporters need to be able to show that they are serving the public.
- Never try using pressure or influence to get media coverage or favorable treatment. It usually will not work, and even if it does, the involved journalist may not forgive and forget. Word can get around and reporters might not be cooperative.
Never play favorites. If you begin a pattern of feeding one or two reporters the choice items, the others will rightfully downplay the routine stories you send them. Reporters who are regularly "scooped" look bad to their management and become resentful. That is not to say there is no place for exclusives. Just make sure the exclusive placements are spread around so that everyone has a share.

Never send out any news story, no matter how trivial, without the express consent of the person in charge. No reporter wants to get caught in the middle of a misunderstanding between staff.

Often newspapers have reporters assigned to various beats. If the newspaper in your community has a health and human services beat, get to know that beat reporter. Go to the reporter with your ideas for stories (feel free to discuss a story possibility with the reporter even if you are not sure it is news), and send your releases directly to the beat reporter.

CHAPTER SEVEN: NOTES

The content of this chapter is based on information from the following sources:


FITTING INTO TAX-EXEMPT CATEGORIES

To avoid the payment of federal taxes on their income, most nonprofit organizations apply for tax-exempt status under section 501 of the federal Internal Revenue Code (IRC). Those organizations operated for charitable, religious, educational, scientific, or literary purposes, for testing for public safety, for fostering national or international sports competitions, or for pursuing the prevention of cruelty to children or animals can apply for section 501(c)(3). In addition to giving them tax-exempt status, this allows their donors to claim all contributions as tax deductible on their federal taxes.

All section 501(c)(3) organizations must adhere to certain lobbying and political activity requirements.

SECTION 501(c)(3) LOBBYING REQUIREMENTS

Section 501(c)(3) defines lobbying as any attempt to influence local, state, or federal legislation by doing the following:

- contacting any legislative member, legislative staff, or government employee to get them to propose, support, oppose, or otherwise influence legislation;
- trying to get the public to share your views on a piece of legislation and take action on it;
- advocating that a particular piece of legislation be adopted or rejected.

What Kinds Of Lobbying Activities Can You Do On Behalf Of Your Organization?

You can participate in the following lobbying activities:

- write your Senators and Representatives on organization letterhead;
- call long distance to Washington, D.C. or your state capital at agency expense;
- take a carload of people to Washington, D.C. or your state capital and get mileage paid by the agency;
- organize a letter-writing or phone campaign for a bill;
- attend meetings to plan a legislative strategy or develop the substance of legislation;
- do research or other analyses that you will use for lobbying purposes;
- attend legislative sessions to lobby or give advice on the legislation being discussed;
- respond to telephone calls on particular legislation, explain whether your organization is for or against the legislation, and outline a strategy for action.
What Limits Does The IRS Place On These Activities?

The federal Internal Revenue Service (IRS) places the following limits on your activities:

- You must be able to show that all lobbying activities fall within your organization's general "charitable" purposes and are not your agency's primary function.
- You cannot coerce employees or clients to lobby.
- You must be able to show that lobbying is not a substantial part of your agency's total activities measured in dollars. Courts generally have interpreted "not substantial" to mean spending less than 5 percent of your agency's annual expenditures on lobbying. Periodic letters and telephone calls to legislators or to a few members of the public asking for action on a bill will certainly fit within this requirement, even for small organizations.

How Can You Expand The IRS Limits?

If you are recognized by the IRS as a "public charity" or are otherwise described under section 501(h) of the Tax Code, you can lobby beyond the 5 percent limit by informing the IRS, filing a simple annual lobbying report, and staying within a special formula. The spending restrictions under the formula apply no matter what particular source of money you use for lobbying. The formula works in the following way:

- If your organization spends under $0.5 million each year for all its activities, it can spend $1 out of every $5 (or 20 percent of all expenditures) on lobbying (i.e., you cannot spend more than $100,000 on lobbying).
- If your organization spends $0.5 million or more per year, follow Table 8.1

There is a stricter limitation in the formula for a special kind of lobbying called "grassroots" lobbying, which involves trying to get some part of the general public to share your views on legislation and take action. Grassroots lobbying includes activities such as making speeches at clubs, making telephone calls, and writing letters when the purpose is either to get individuals or the general public to contact legislators and ask them to act on a bill or to get individuals or the general public to persuade other people to contact their legislators about a bill. Only 25 percent of your organization's allowable lobbying expenses can be used for grassroots lobbying. For example, if your organization spends $500,000 during the year, 20 percent of this — or $100,000 — can be used for lobbying. But only 25 percent of the $100,000 — or $25,000 — can be used for grassroots lobbying.

Are There Any Other Limitations Your Organization Should Follow?

In addition to the IRS requirements, if some members of your organization will be doing an extensive amount of direct lobbying in the federal or state legislature, they may have to formally register as lobbyists. If you plan to lobby members of the U.S. Congress, check with the Secretary of the Senate and the Clerk of the House. If you plan to lobby at the state level, check with the Secretary of State.

Are There Other Activities That Might Be Considered As Lobbying?

Under certain circumstances, and depending on the context of the activities and the degree to which they are focused on specific legislation, there are other activities that might be considered as lobbying. For example:

- You can participate in a purely informational meeting about the content and status of particular legislation. This will be considered lobbying only if the meeting is closely tied to later lobbying activities by your organization.
- You can provide technical assistance to people about how to lobby. This will be considered lobbying only if the training is focused on a particular piece of legislation.

What Activities Can Your Organization Engage In That Are Not Considered Lobbying?

Listed below are examples of activities that are not defined as lobbying:

- If you are a membership organization, you can inform your members of legislative issues that are critical to the goals of your agency and take a posi-

### Table 8.1: IRS Spending Formulas

<table>
<thead>
<tr>
<th>Your agency spends a yearly total of:</th>
<th>It can spend this much per year on lobbying:</th>
</tr>
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<tbody>
<tr>
<td>$0.5 million to $1 million</td>
<td>$100,000 + 15 percent of all expenditures over $0.5 million</td>
</tr>
<tr>
<td>$1 million to $1.5 million</td>
<td>$175,000 + 10 percent of all expenditures over $1 million</td>
</tr>
<tr>
<td>$1.5 million and more</td>
<td>$225,000 + 5 percent of all expenditures over $1.5 million, up to a maximum of $1 million per year</td>
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tion on them. But if you tell your members to write their legislators or to get other citizens to do this, it would be considered lobbying.

- You can do research and nonpartisan analyses of legislation and state your positions on the issues. But you must give complete information on both sides so that people can draw their own conclusions.
- You can invite legislators or their staff to visit your program to learn about what you do or to explain what is going on with legislation.
- You can sponsor or attend workshops on how to lobby.
- You can respond to written requests from legislative bodies for advice or assistance. The request must come from the legislative body, such as a committee, and not just from one individual member. Your response must be available to every member of the body. You can include your opinions and recommendations only if that was part of the request or is directly related to the requested material.
- You can communicate with a legislative body about decisions that might affect your group’s existence, powers and duties, tax-exempt status, or the deductibility of charitable contributions you receive.
- You can communicate with government officials who are not in the legislature for purposes other than influencing legislation. For example, you can contact the director of a state department about the content or enforcement of regulations or policies.

What Can You Do As A Private Citizen That Will Not Be Considered As Lobbying By Your Organization?

You can participate in the following activities as a private citizen:

- You can work on legislative issues on your lunch hour or after work on your own time at your own expense. If you are addressing a legislator or the public, you should make it clear that you are speaking as a private citizen. The argument you make can rely partly on your experience with your agency.
- You can put bumper stickers on your personal car, even if it is used occasionally for business.
- You can join, as a private citizen, groups other than your own that actively discuss politics and legislative issues and lobby in that group’s name on your own time.

What Happens If Your Organization Breaks The IRS Section 501(c)(3) Lobbying Rules?

If your organization breaks the rules, the following can occur:

- If your organization has not chosen to use the special IRS formula and the IRS determines that lobbying represents a substantial amount of your overall activities, the IRS can go as far as removing your tax-exempt status. Then contributions to your organization would no longer be tax deductible, and your organization would have to pay taxes on its income. An occasional letter or telephone call to a legislator will almost certainly not put even the smallest organization in this kind of jeopardy. If you are at all in doubt, choose to use the special lobbying formula and inform the IRS. This formula has more specific and less stringent penalties attached.
- If your organization has chosen to comply with the IRS formula and you overspend your limit for either general or grassroots lobbying, the IRS can levy a 25 percent tax on the money spent above the limit.
- If the IRS determines that your agency has exceeded the formula by a substantial amount (150 percent of the limit) for four years, your organization can lose its tax-exempt status.

SECTION 501(c)(3) POLITICAL ACTIVITY REQUIREMENTS

Section 501(c)(3) defines political activity as participating or intervening in any local, state, or federal campaign for an elective public office, whether you support or oppose the candidate. This includes publishing or distributing statements in favor of or opposing a candidate for office. Organizations with tax-exempt status absolutely cannot engage in any campaign activities. But there are some voter education and nonelection activities that your organization can participate in during an election year.

What Kinds Of Political Activity Can Your Organization Participate In?

During an election year your organization can participate in the following voter education and nonelection activities:

- You can, as a national or statewide organization, periodically compile and publish the voting records of all members of the U.S. Congress on legislative issues of interest to the general electorate. You can distribute it to the general public or issue a news release, even for the specific purpose of voter education about particular elections.
- You can limit these voting records to issues that
are important to your organization, state your organization’s position on each vote, and give a rating of the candidate. If you are an organization with a small membership, you must distribute the voting records only to your own membership or normal readership. In nonelection years your distribution can be broader.

- Apparently, you can, as a statewide organization, compile the voting records of congressional representatives from your state or members of your state legislature on issues of interest to the electorate as a whole. You can distribute it to the general public. Although the IRS has not taken a position on this, some of its rulings suggest this is the case.

- You can send a questionnaire to all candidates for a particular public office during an election year. Remember, if you distribute a voters’ guide based on the answers to these questions, you must attempt to have all candidates answer the questionnaire, and the questions must be unbiased and address a wide variety of issues.

- You can conduct a nonpartisan candidates’ forum.

- You can do nonpartisan voter registration activities and “get out the vote” campaigns. These activities include determining whether people who use your group’s services are registered to vote, providing assistance or transportation to register, acting as a registrar if your state law permits it, transporting people to the polls on election day, and providing child care or other assistance on election day.

What Are The Limits On These Activities?

If you compile voting records that are limited to particular issues of importance to your organization, remember the following:

- Do include all legislative members in the voting record.

- Do make sure the voting record and any publication in which it is inserted are politically nonpartisan.

- Do point out the limitations of judging incumbents’ qualifications on the basis of the few selected votes presented.

- Do limit your distribution of the record. You should be safe if you distribute the voting record only to your membership or normal readership. In general, the narrower the issues covered in your voting record, the narrower the distribution or publication of the information must be, even where no bias or organizational stand on an issue is taken.

- Do not gear the information or publication of the record to an election.

- Do not make any reference to a political campaign.

- Do not identify those candidates up for reelection.

- Do not include any expressed or implied endorsement or rejection of any candidate. (You can indicate your organization’s position on each vote.)

- Do not refer to any candidate’s overall qualifications for public office.

If you send a questionnaire to candidates for office and publish a voters’ guide or hold a public nonpartisan candidates’ forum, the same standards would apply as those used for compiling a voting record:

- Do invite all candidates for a particular office to participate.

- Do select issues on the basis of their importance or interest to the electorate as a whole.

- Do not select only those issues of importance to your group. (If the questionnaire or forum is only to inform your own group, a more narrow range of questioning is permissible.)

- Do not show a bias in any of your questions.

- Do not organize or structure the questionnaire or forum in a way that expresses a bias or preference, approval or disapproval of the views of any particular candidate.

- Do not make oral or written comments on a candidate’s qualifications for office or on a candidate’s stance on a particular issue.

Of course, if a question-and-answer period is built into a candidates’ forum, your group would not be responsible for the questions or statements from the audience.

If you run a voter registration or “get-out-the-vote” campaign, follow these guidelines:

- Do make sure you are strictly nonpartisan.

- Do make sure these activities are in furtherance of your group’s tax-exempt purposes or are limited to an insubstantial part of your group’s overall activities.

- Do not be specifically identified with any candidate or political party.

- Do not conflict with your group’s articles, by-laws, or other legal obligations.

Are There Other Activities Your Organization Can Do?

You can make information and mailing lists available to candidates who request them, as long as you do so in a strictly nonpartisan manner and follow these guidelines:
Do get all requests for information in writing and respond in writing.

Do provide only information that you have already prepared as part of your ongoing tax-exempt activities and that is available to the public or to all the parties in a campaign.

Do provide information to all political campaigns requesting it on the same basis. Charge the regular market rate or the same fee that you charge the general public for this information. If materials are normally free, you should still charge for their reproduction costs just to be safe.

Do turn down campaign requests to do further analysis or research. Explain that because of your group’s tax-exempt status, you cannot engage in any political activity and that the information provided was prepared as part of your group’s activities. Additional information that you generate for noncampaign purposes can be made available on the same basis as the original information.

Do not provide technical assistance or cooperation to a selected political action committee or political campaign. Even if your cooperation is limited to a discussion of issues of mutual concern, it might still appear that your group is assisting the candidate or implicitly pledging support for the candidate if the candidate adopts certain positions.

What Can You Do As A Private Citizen That Will Not Be Considered As Political Activity By Your Organization?

As a private citizen, you can engage in almost any political activity, as long as you keep it totally separate from work, such as the following:

- You can volunteer to help out in a candidate’s election campaign by answering telephones, distributing leaflets, stuffing envelopes, and providing other assistance in your nonworking hours and away from your office.
- You can put candidates’ bumper stickers on your personal car and place candidates’ posters in the yard of your own home.
- You can make private contributions to a campaign or political action committee.
- You can work as a private citizen on your own time with other groups that are running voter registration and “get out the vote” campaigns tied to particular candidates.

What Happens If Your Organization Breaks The IRS Section 501(c)(3) Political Activity Rules?

The prohibition on electioneering is stringent. Your organization could lose its tax-exempt status. However, your organization is only accountable for its own actions — not those of others. Do not worry about what other people do with materials you have legally produced and distributed. For example, if you produce a voting record for your own lobbying use and others get it and use it in a political campaign, you should not be held responsible.

FEDERALLY FUNDED ORGANIZATIONS

If your organization receives any federal funds, it must adhere to the federal requirements on lobbying and political activity. Although these requirements may overlap with the IRS section 501(c)(3) requirements, they are a different set of requirements.

The Federal Office of Management and Budget (OMB) published its final revisions to Attachment B of OMB Circular A-122 (Cost Principles for Nonprofit Organizations) on April 27, 1984. The OMB rules apply to all nonprofit organizations that receive federal funds under grants or contracts entered into after May 29, 1984 except block grant funds and programs with a Congressionally mandated advocacy component. The OMB rules prohibit the use of federal funds for lobbying and certain political activities. They are in addition to other specific congressional restrictions. However, they apply only to uses of federal funds and do not affect activities supported with nonfederal funds.

LOBBYING REQUIREMENTS FOR FEDERALLY FUNDED ORGANIZATIONS

Revised Circular A-122 establishes the following definition of lobbying and prohibits reimbursement for these activities from federal funds:

- Any attempt to influence the introduction of federal or state legislation or the enactment or modification of any pending federal or state legislation through communication with any member or employee of the Congress or state legislature (including efforts to influence state or local officials to engage in similar lobbying activity) or with any government official or employee in connection with a decision to sign or veto enrolled legislation (direct lobbying).

- Any attempt to influence the introduction of federal or state legislation or the enactment or modification of any pending federal or state legislation by preparing, distributing, or using publicity or propaganda, or by urging members of the general public or any segment thereof to contribute to or participate in any mass demonstration, march, rally, fund-raising drive, lobbying campaign, or letter-writing or telephone campaign (grassroots lobbying).
Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.

Remember, however, that OMB's rules affect only your organization's use of federal grant or contract money. They do not affect your organization's use of private, state, or local funds as long as they are not used as matching funds for a federal grant or your use of interest on advances your state gives you on federal grant money. Nor do the new rules affect what you can do as a private citizen on your own time and using your own resources.

If you are uncertain about whether or how OMB's rules apply to a particular activity your organization wants to do, you can request that the matter be resolved in advance by your grant agency, which is required to have procedures to resolve such questions in consultation with OMB. The agency's determination will be binding in any later administrative proceeding, such as an audit, but you can still challenge the decision in court if you disagree.

What Kinds of Lobbying Activities Can Your Organization Do?

As a federally funded organization, you can use federal funds to participate in the following lobbying activities:

- Provide technical and factual information on a topic directly related to the performance of a grant, contract, or other agreement through testimony, statements, or letters to Congress, the state legislature or subdivision, a legislator, or a legislative staff member in response to a documented request (including a Congressional Record notice requesting testimony or statements for the record at a regularly scheduled hearing) provided such information is readily obtainable and can be readily put in deliverable form. These presentations must be absolutely informational in purpose and content and not advocacy. However, the fact that an advocacy conclusion is reached does not in itself make the presentation unallowable, provided that it clearly and naturally flows from the technical and factual data presented and is a distinctly minor aspect of the overall presentation.

- Lobby state legislative bodies to reduce costs or to avoid material impairment of the organization's authority to perform the grant.

- Carry out any activity specifically authorized by law to be undertaken with funds from the grant, contract, or other agreement.

- Pursue legislative lobbying at the local level.

- Contact executive branch officials, for purposes other than lobbying for the veto or signing of bills.

- Lobby federal, state, or local administrative agencies to influence their policies and regulations.

What Can You Do As a Private Citizen That Will Not Be Considered As Lobbying By Your Organization?

You, your group's board members, or any other staff member can lobby on any type of legislation (including federal) as a private citizen on your own time and without the use of federal grant funds, facilities, or equipment. Your actions should be permissible if you follow these guidelines:

- Do not identify yourself as acting, writing, or speaking on behalf of your organization.

- Do not use your organization's letterhead when writing to legislators.

- Do not use stamps, telephones, photocopiers, or any other facilities or equipment paid for with federal program funds or other restricted dollars.

- Do not have your letters or accompanying materials typed or processed by people who are doing this work on time paid for with federal money or other restricted funds.

What Happens If Your Organization Breaks the Federal Lobbying Rules?

If your organization is caught breaking the federal lobbying rules, there may be an audit exception (for example, if you wrote a letter, the exception would be for the cost of the letter, which would have to be repaid). If the lobbying activities are serious enough, your public funding source could decide to cut your funds or eliminate your agency's grant.

Political Activity Requirements for Federally Funded Organizations

Revised Circular A-122 establishes the following definition of political activity and prohibits reimbursement for these activities from federal funds:

- Establishing, administering, contributing to, or paying the expenses of a political action committee or other organization established for the purpose of influencing the outcomes of elections (electioneering).

- Attempts to influence the outcomes of any federal, state, or local election, referendum initiative, or similar procedure through in-kind or cash contributions, endorsements, publicity, or similar activity.

There may be additional or greater restrictions on po-
litical activity in the statute governing your particular program. Therefore, even if the OMB rules do not prohibit something you want to do, you should determine whether the activity is permissible under your program statute before your organization takes action.

What Kinds Of Political Activity Can Your Organization Participate In?

If there are no limitations in the statute governing your particular program, the OMB rules do not prohibit your organization from using federal funds for any voter education and nonelection political activity reasonably related to the performance of your grant or contract.

What Can You Do As A Private Citizen That Will Not Be Considered As Political Activity By Your Organization?

You can engage in almost any kind of political activity as a private citizen. Just make sure you do not identify your organization with your activities, and do the following:

- Participate in these activities on your own time.
- Use your own resources and not those of your organization.
- Make a disclaimer saying that you are acting as a private citizen if you are high up enough in your organization so that people will identify you with your organization unless told otherwise.

What Happens If Your Organization Breaks The Federal Political Activity Rules?

If the political activities are serious enough, the Federal Office of Personnel Management may require that your program fire the person who engaged in these activities. If your agency fails or refuses to do this, money can be withheld from your federal grant equivalent to two years of the offending employee's salary. Also, the agency that gave you the grant may suspend or terminate your organization's funding. Usually this occurs only after an investigation and a hearing or informal effort to correct unlawful practices. Where violations are serious, your granting agency may be able to suspend your funding without prior notice and only hold a hearing later on.

ADMINISTRATIVE RULE MAKING

As one legislative expert emphasizes, "Just because a bill passes does not mean the advocacy process is over. As hard as it is to pass a piece of legislation, it can be many times harder to get that legislation implemented. The passage of a bill into law is only words on paper. It takes implementation and enforcement for any real change to come about." Thus, a political fact of life is that the passage of a state law may not be enough to bring about the political reality or desired action that a group seeks. The potential administrative obstacles are many, and great persistence may be necessary to move words on a piece of paper into action. Be prepared to continue to monitor action on a bill after it becomes law.

Many laws relating to health and human services require that implementation regulations be written. Often the time period allowed for completing the regulation writing may not be specified or, if so, only vaguely stated. Also, the wording about to whom the task is to be assigned may be vague. If the Governor or department affected supports the new law, then these omissions or the imprecise language may not be a great problem; the task can be assigned and the work can be expeditiously completed. If, however, there is administrative resistance to the aims of the new law, numerous excuses or delaying tactics can be resorted to with the intention of preventing the rule writing and implementation process. For example, the writing of the regulations can be shifted around to different individuals, other priorities can be claimed, or the need for research or public input can be asserted. The excuses are only limited by an administrator's imagination and ability to engage in political finesse. In Ohio the main guidelines for rule and regulation writing and amending can be found in Chapter 119 (Administrative Procedure) of the Ohio Revised Code.
It is important for your citizens' group to monitor the rule and regulation writing process, to participate in the procedure, and to see that those rules or regulations that are written and implemented are enforced (if they are to your citizens' group's benefit) or resisted through political and legal avenues (if they are to your citizens' group's detriment). In attempting to have an impact on the bureaucratic process, your group should consider the following activities:

- Seek to influence the wording of legislation so that whatever rule or regulation writing or amending is required is done in a way that is conducive to your objectives.
- Identify who will be responsible for the regulation writing and gain that individual's attention.
- If it is to your advantage, let the agency know that you will be watching to make sure it conforms to the legislative intent.
- Provide the agency with legal or political support to either enforce or resist legislative intent (according to your advantage).
- Be informed on when public hearings are required and scheduled, and then request testimony time and prepare a testimony strategy.
- Develop auxiliary activities relating to the public hearings and regulation writing (e.g., letter-writing campaigns, public demonstrations, public relation gimmicks, or other media-directed activities).
- Obtain an audience with the Governor and/or the administrative agency director. The degree of the Governor's influence will depend on whether or not the Governor has appointive or administrative authority over the agency and/or its director.
- Influence the Joint Committee on Agency Rule Review.
- Be prepared to take legal action or get new legislation enacted if the regulations adversely affect your program or objectives.
- Continue to monitor the rule enforcement process. Push for enforcement when in agreement, or attempt to discourage or stall enforcement when in disagreement.
- Carry out an on-going public education campaign.

Executive sessions closed to the public may be held for specified purposes, principally to deal with personnel matters, discuss the purchase or sale of public property, or confer with an attorney on pending court actions. The Adult Parole Authority and grand juries are exempt from the open meeting law.

Any person or organization may bring suit in Common Pleas Court against a public body holding or planning to hold a closed meeting. The law has been in effect since 1975. Its intent was weakened, however, by the first Supreme Court decision on it (announced in 1977), which put the responsibility on the public to prove they were harmed by a closed meeting before the public body could be ordered to comply with the law.

Minutes of public meetings must be recorded and open to public inspection. In fact, all public records must be open at all reasonable times for inspection. Any document that records the organization, functions, policies, decisions, procedures, operations, or other activities of a public body is a public record under the law. Persons responsible for public records are required to make copies of them available at cost to anyone requesting them, within a reasonable period of time.

THE INITIATIVE AND REFERENDUM

Provisions in the State Constitution reserve the right for Ohioans to propose amendments to the State Constitution or to propose new legislation (called the initiative) and to vote on laws passed by the legislature (called the referendum). These powers are exercised by filing petitions containing the required number of signatures with the appropriate authority.

Constitutional amendments may be initiated directly by the people. They do not have to be submitted to the legislature first. Petitions are submitted directly to the Secretary of State who places the proposed amendment on the ballot.

A summary of the amendment must be certified by the Attorney General. Then the full text of the amendment and the summary are filed with the Secretary of State. The initiative committee then must circulate petitions and collect the proper number of signatures from at least 44 of the 88 Ohio counties. The Ohio Constitution requires the number of signatures to be ten percent of the electors voting for Governor in the last gubernatorial election. For example, if 3,000,000 people voted for Governor, 300,000 signatures would be needed. The Secretary of State places the amendment on the ballot at the next general election at least 90 days after the correct number of valid signatures is received.

The ballot wording, prepared by the Ohio Ballot Board, is published once a week for three weeks in a newspaper in each county along with arguments for the amendments (prepared by the initiating committee) and arguments against it (prepared by persons named...
by the legislature). If a majority of the voters approve the amendment, it becomes a part of the Constitution.

Laws are initiated indirectly by the people since the petition must be submitted to the legislature first. Signatures of three percent of the electors voting in the last gubernatorial election are required to introduce the proposed law in the legislature. If the legislature does not pass the law in four months, or if an amended version is passed, the petitioners have 90 days to collect signatures of an additional three percent of the electors and place it on the ballot. Signatures must be obtained from at least 44 of the 88 counties. The law is voted on at the next general election at least 90 days after the petition is filed. It becomes effective if approved by the voters, and it is not subject to the Governor’s veto.

A referendum on a law already passed by the legislature may be requested by petition within 90 days after the law is filed with the Secretary of State. A referendum may not be requested on an emergency law, a tax levy, or appropriations for current expenses. Signatures of six percent of the electors voting in the last gubernatorial election are required on the petition and must be obtained from at least 44 of the 88 counties. The law is submitted to the voters at the next general election at least 60 days after the petition is filed. It cannot become effective unless it is approved by a majority of the voters.

An initiative or referendum drive is a major undertaking requiring the efforts of many people to collect the necessary signatures within a given time period. The drive must be well organized and on a state-wide basis to get signatures from at least half the counties. And the job is only half done when the issue reaches the ballot. The final step is to convince voters to approve the proposal.

STATE CONSTITUTIONAL AMENDMENTS

The Ohio Constitution is the supreme law of the state, subject only to the Constitution of the United States and national laws and treaties. All statutes passed by the legislature, as well as rules and regulations of the various departments of state government, must conform to it. The Ohio Constitution can be changed only by approval of a majority of the electors voting on a proposed amendment.

One way to amend the Constitution is if either chamber of the General Assembly proposes an amendment to the Constitution. If three-fifths of the members of each chamber agree upon the proposed amendment, it is submitted to the electors. If it is approved by a majority of those voting on the question, it becomes a part of the Constitution.

The Constitution may also be amended directly by the people through the initiative process. As discussed in the previous section of this chapter, petitions containing a proposed amendment are circulated until signatures equal to 10 percent of the votes cast in the last gubernatorial election are collected. When the signature requirement is met, the petitions are filed with the Secretary of State. Petition signatures are validated, and the issue is then submitted to voters at the next general election. A majority vote is necessary for passage.

A third way to amend the State Constitution is through a constitutional convention. This method is ordinarily considered only when a major revision of the Constitution is undertaken. Every twenty years the question must be submitted to the voters, “Shall there be a convention to revise, alter, or amend the Constitution?” If a majority of those voting on the question favor the calling of a convention, the legislature must provide for the election of delegates and the assembling of the convention. The voters of Ohio rejected the opportunity to call a convention in 1932, 1952, and 1972. They will vote on the question again in 1992.

The question of calling a convention may also be placed on the ballot at any time by a vote of two-thirds of the members of each chamber of the General Assembly. A convention may submit its proposals as separate amendments or may submit a totally new Constitution to the electorate for adoption or rejection. In all cases, proposals submitted to the voters must be approved by a majority of the electors voting on them to become a part of the State Constitution.

THE USE OF LEGAL ACTION

For any citizens’ group concerned with influencing public policy and legislative decisions, the ability to resort to legal action is an important tool.

In the past, there were two major limitations to the use of the courts by citizens’ groups — rules on suing and restrictions on gaining relief. For example, unless an individual was being directly affected by a governmental or private action, it was often difficult for some other individual or group to file a suit on that person’s behalf. The individual who claimed to be affected would have to show a direct impact, not a vague or indirect one. And usually only the individual being affected could obtain relief.

Today it is somewhat easier for a person to sue and to initiate a class action suit. Under a class action suit an individual or group can file a suit on behalf of all others who might be adversely affected by a governmental or private body. Also, governmental rules today sometimes place the burden of proof not on the individual or group claiming to be adversely affected but on the governmental body or private party being sued. The shifting of the burden of the proof usually makes it easier for citizens’ groups to engage in legal battles. For example, it may be much more difficult for a company to prove that it is not polluting the air than it is for a private individual to prove that the company is doing so.
Additional factors working to the advantage of citizens' groups include the following:

- the growth in the number of regulatory agencies,
- the passing of requirements that these agencies hold public meetings and that their files be open to public inspection,
- the enactment of rules that necessitate that these agencies have consumer representatives,
- the stipulation that agency regulations reflect public input and are publicly advertised,
- the setting forth of legal procedures by which an agency action or rule can be challenged.

Your citizens' group should be alerted to what its legal resources are and to whom it can turn for legal assistance. Of course, legal action will often be unnecessary since just the fact that others realize a group has legal knowledge and resources that it is willing to use may often be sufficient to assure the group that its rights and needs will be considered.

Litigation can be costly — not only in terms of money but also in terms of public image and power status as well. Still, your group should recognize the value of having legal resources available. The needs of legal advice are many — tax information, analysis of laws and regulations, assistance in drafting proposed legislation, preparation of legal documents and petitions, and representation in certain legal proceedings. And it is unlikely that any citizens' group can greatly influence the policy process without seeking legal help. The sooner your group makes the necessary arrangements to obtain this assistance, the better off it will usually be. If your group cannot afford a private attorney, it should consider other options, such as establishing a coalition of groups to hire a private attorney, using a public legal aid program, or contacting attorneys who might have an interest in the program and would provide free assistance. Your group should also determine if the law provides for governmental legal assistance.

CHAPTER EIGHT: NOTES

The content of this chapter is based on information from the following sources:

- League of Women Voters of Ohio, Know Your Ohio Government (Columbus, Ohio: 1983).
- Ohio Citizens’ Council, OMB Circular A-122 Analysis (Columbus, Ohio: July 1984).
The most common form of operations in the Executive Budget as Ohio, to be used in times of revenue decline; a "rainy day" fund.

categorical grants — A method of federal funding that places the greatest restrictions on state and local decision-making.

chamber — A term that refers to either the House of Representatives or the Senate.

chamber-adopted rules — Rules of procedure accepted by each chamber at the start of the first session of the biennium.

citizens advisory committee — A committee set up by a block grant's lead state agency to work with agency staff in developing the state plan.

citizens' group — People who work together toward some common goal of change.

cobination — An arrangement among any combination of groups, organizations, and individuals working toward a common legislative objective.

concurrence — When one chamber agrees to a change made in legislation by the other chamber.

concurrent resolutions — Resolutions adopted by both chambers that are used as a means of expressing legislative opinion.

conference committees — Special joint committees created to consider and resolve points of difference between legislation passed in different forms by each chamber.

Controlling Board — A state board composed of six legislators (three from the House of Representatives and three from the Senate) and chaired by the Governor's designee that acts for the legislature when it is not in session, overseeing how state funds are spent.

defensive advocacy — Trying to prevent a bill from passing.

discharge petition — A request that legislation being held in the Rules Committee be released for consideration by the entire chamber.

emergency law — A law necessary for the immediate preservation of the public peace, health, or safety. It does not have to wait the normal 90 days before going into effect, and it requires a two-thirds vote of both chambers.

enactment — When a bill is passed by both chambers.

engrossment — The process of preparing a true copy of a bill with all of its amendments and printing the bill in its official form.
enrollment — The final engrossment of a bill after it has passed both chambers.

executive branch — The portion of the Ohio state government consisting of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and State Attorney General. The executive branch also includes all state activities that are neither legislative nor judicial in character, state departments, and numerous boards, commissions, and authorities.

Executive Budget — A document prepared by the Office of Budget and Management that describes in detail the many proposed programs and activities of the state government, including new and expanded programs and agency budget requests, separate and aggregate costs, sources of funds, the relationship between costs and benefits, and changes in program thrust.

Finance Committees — A general term that refers to both the House Finance-Appropriations Committee and the Senate Finance Committee.

formal legislative advocacy — A type of legislative advocacy that involves attempts by legislative advocates to influence the course of legislation by working directly with key legislators and committees.

formal procedural requirements — Rules that regulate the legislature as written in the Ohio Constitution.

funds transfer — When the federal government allows the state to transfer a specified portion of its block grant funds to other programs.

General Assembly — The basic law-making organization of the State of Ohio. It is the full legislative branch composed of the Senate and the House of Representatives. It is also referred to as the legislature.

General Revenue Fund (GRF) — The main source of money for state-funded programs. It is not only the largest state fund but also the one from which most of the state’s expenditures for health, education, welfare, and human services are derived.

general revenue sharing — A federal funding mechanism that virtually removes any restrictions on state and local governments.

Governor — The elected official who holds the highest powers of the state.

grassroots legislative advocacy — A type of legislative advocacy that involves generating as much citizen support as possible for a particular position on a bill.

House Finance-Appropriations Committee — The standing committee in the House of Representatives that conducts hearings to determine the fiscal impact of the components of the Governor’s Appropriations Bill.

House of Representatives — The larger legislative chamber of the General Assembly consisting of 99 publicly elected members, each of whom represents a legislative district.

initiative — The means by which citizens can initiate legislation or constitutional amendments.

joint committees — Standing committees of both chambers that meet together in joint session to hear testimony simultaneously to facilitate the progress of a bill.

Joint Legislative Committee on Federal Funds — The major body for General Assembly oversight of block grants.

joint resolutions — Resolutions concerned with matters of great importance affecting both chambers of the General Assembly. They must pass both chambers although they do not require the approval of the Governor.

joint rules — Rules adopted by both chambers that apply when members from both chambers are officially acting together.

Journal — A published record of the daily official proceedings in a legislative chamber. In addition to the previous day’s minutes, it includes roll call votes, copies of printed resolutions, committee reports, amendments made on the floor, and messages from the other chamber.

lead state agency — The state department responsible for developing a block grant’s state plan and setting policy direction.

legislative advocacy — Any form of communication that is made with the intention of influencing a legislative decision.

legislative advocates — Those persons who, on behalf of citizens’ groups, pursue activities with the ultimate aim of influencing the legislature.

legislative branch — The portion of the Ohio state government consisting of the Senate and the House of Representatives.

Legislative Budget Office (LBO) — A professionally staffed legislative service that prepares appropriations and other fiscal bills, analyzes budget proposals, and estimates the fiscal effects of legislation.

Legislative Service Commission (LSC) — A legislative service composed of legislators and professional staff that fulfills most of the research and bill drafting needs of the legislature and analyzes bills upon legislators’ requests.

legislative sessions — The two General Assembly meeting periods per biennium. They are referred to as the first and second regular sessions, with each meeting in a separate year.

legislators — The publicly elected lawmakers to the House of Representatives and the Senate.

legislature — The basic law-making organization of the State of Ohio. It is the full legislative branch composed of the Senate and the House of Representatives. It is also referred to as the General Assembly.

Lieutenant Governor — The elected official who is elected and serves as a team with the Governor.
line item veto — The procedure by which the Governor can disapprove of any part of a bill, while approving the rest. It is allowed in Ohio in appropriations bills. A three-fifths majority in each chamber is necessary to override a line item veto.

lobbying — Attempts to influence a legislative decision by individuals who must register under the terms of federal and state lobbying regulations.

lobbyists — Those persons who intend to influence the legislature but, because of the nature of their activities, must register and report on their spending under the terms of federal and state lobbying regulations.

maintenance of effort — Requirements mandating that a state maintain at least a designated prior year level of funding for a block grant and that a state be prevented from using federal funds as a substitute or replacement for a state commitment to the block grant.

majority party — The political party holding the most seats in a legislative chamber.

matching requirements — Requirements mandating that a state bear a minimum share of block grant program costs as a condition for receiving federal funds.

media — The channel of communication that allows a message to be sent from one source to a large number of people.

minority party — The political party other than the majority party.

offensive advocacy — Trying to get a bill passed.

Office of Budget and Management (OBM) — The executive office responsible for assisting the Governor in developing the proposed state budget.

Ohio Administrative Code — A code that provides the official text of each state administrative rule and related material.

Ohio Monthly Record — A monthly update of the Ohio Administrative Code and a report on all proposed rules along with public hearing schedules.

Ohio Revised Code — The statutory law of the state.

Omnibus Budget Reconciliation — A federal act that in 1981 created nine health, education, and human service block grants from 57 categorical programs.

President of the Senate — The leader of the Senate as elected by the membership of the majority party in the Senate.

public hearings — Standing committee meetings where testimony is presented.

public service announcements (PSA’s) — Short messages that are broadcast on radio or television at no charge for non-profit organizations.

quorum — The number of legislators necessary to conduct certain business and to vote on legislation in a legislative chamber (over one half of the total number of legislators in a chamber).

Reference Committees — The procedural standing committees in the House of Representatives and Senate responsible for assigning bills to standing committees for consideration.

referendum — A popular election in which voters can either approve or disapprove legislation passed by the General Assembly or proposed by the initiative.

Representatives — The publicly elected members of the House of Representatives. They serve two-year terms.

resolutions — Legislation mostly in the form of formal expressions of the opinions and wishes of the General Assembly.

Rules Committees — The Senate and House of Representatives procedural standing committees that select from the bills reported favorably by standing committees those that will be placed on the Calendar for floor debate.

Secretary of State — The elected official whose duties are administrative, the most important of which is to serve as the chief election officer of the state.

Section 1 — The part of a bill that contains the body of the bill.

Section 2 — The part of the bill that indicates an existing law is being repealed.

Section 3 — The part of a bill that encompasses either the emergency clause of a bill or temporary law.

section 501(c)(3) — A section of the federal Internal Revenue Code under which most non-profit organizations apply for tax-exempt status.

select committees — Committees created by resolution or special rule to undertake particular legislative tasks.

Senate — The smaller legislative chamber of the General Assembly consisting of 33 publicly elected members, each of whom represents a legislative district.

Senate Finance Committee — The standing committee in the Senate that conducts hearings to determine the fiscal impact of the components of the Governor's Appropriations Bill.

Senators — The publicly elected members of the Senate. They serve four-year terms.

service requirements — Requirements mandating that a state provide certain services or that a specified portion of block grant funds be earmarked for designated services.

simple resolutions — Formal expressions of the opinions and wishes of one chamber of the General Assembly.

Speaker of the House — The leader of the House of Representatives as elected by the membership of the majority party in the House.

special session — A legislative session beyond the regu-
lar meeting sessions of the General Assembly as convened by the Governor or the presiding officers of the House of Representatives and the Senate.

**sponsor** — The legislator who manages a bill as it passes through the legislature, making strategic decisions and carrying responsibility for the explanation and advocacy of the bill while it is in committee and on the floor.

**standing committees** — The permanent committees in each chamber, including subject-matter committees, the Reference Committees, and the Rules Committees.

**State and Local Government Commission** — A 13-member forum chaired by the Lieutenant Governor that discusses and resolves problems among local, state, and federal governments.

**State Attorney General** — The elected official who is the chief legal officer of the state.

**state departments** — Components of the executive branch that carry out the laws enacted by the General Assembly.

**State of the State Address** — The Governor’s presentation at the start of a legislative session that contains the Governor’s legislative proposals and goals.

**Status Sheet** — A weekly Legislative Service Commission publication that summarizes all legislative action taken on all bills and joint resolutions up through the preceding week.

**style clause** — The phrase in a bill that immediately follows the title. It reads, “Be it enacted by the General Assembly of the State of Ohio:”.

**subcommittees** — Either permanent or ad hoc sections of subject-matter standing committees that are appointed to deal with particular bills.

**subject-matter standing committees** — Those standing committees that consider legislation before it goes to a floor vote.

**Summary of Enactments** — A Legislative Service Commission publication that is printed at the end of each legislative session. It summarizes, in narrative form, each of the enactments of the General Assembly throughout the year.

**targeting** — When the state is required to direct a specified portion of block grant funds to geographic areas or population groups of greatest need.

**temporary law** — Law that does not appear in the statutes in codified form and is usually not effective for longer than three years.

**title** — The paragraph at the beginning of a bill that lists the sections of the Ohio Revised Code being amended, enacted, or repealed and identifies the subject matter of the bill.

**Treasurer of State** — The elected official who collects all money due to the state and makes the payments on all debts contracted by the state.

**veto** — The Governor’s official disapproval of an act. A three-fifths vote of both chambers of the legislature is required to override a veto.

**Ways and Means Committees** — The standing committees in the Senate and the House of Representatives that determine whether a legislative recommendation should be made to continue, increase, or decrease past revenues.

**witness slip** — The form that must be filled out by anyone who testifies before a standing committee.
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About the Federation

The Federation for Community Planning engages in research, planning, and community education in health and human services. It works on a variety of different problems in Greater Cleveland and across the State of Ohio. Founded in 1913, the Federation is a non-profit, citizen-led organization that numbers more than 200 health, social service, and civic organizations as members. The Federation is a United Way Services supported agency.