



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION
LEGISLATIVE BRANCH AND EXECUTIVE BRANCH COMMITTEE

Thursday, December 11, 2014
12:45 pm
Statehouse Room 116

Agenda

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
 - Meeting of November 13, 2014
- IV. Update on Redistricting Proposals
- V. Presentation
 - “Overview of Provisions in Article II”
Steven H. Steinglass
Senior Policy Advisor
- VI. Committee Discussion
 - Discussion, with staff participation, on order of provisions to be considered by the committee
- VII. Public Comment
- VIII. Adjourn



Ohio Legislative Service Commission

Resolution Analysis

Alyssa Bethel

Sub. S.J.R. 9*

130th General Assembly

(As Reported by S. State Government Oversight and Reform)

Sens. Faber, Widener, Patton, Obhof, Oelslager, Cafaro, Bacon, Coley, Burke, Uecker, Peterson, Lehner, Beagle, LaRose, Hite

RESOLUTION SUMMARY

- Creates the Public Office Compensation Commission, which consists of nine voting members.
- Requires the Commission, in each even-numbered year, to review the compensation of elected public officials in the state.
- Requires the Commission to create a proposed compensation plan and a report, and to present the plan and report at not less than three public hearings to receive public input.
- Requires the Commission to issue a final compensation plan and a report not later than December 31 of each even-numbered year.
- Allows the General Assembly to reject the final compensation plan issued by the Commission.
- Provides that the final compensation plan issued by the Commission takes effect July 1 of the following odd-numbered year unless rejected by the General Assembly.
- Requires the Commission to create its *initial* final compensation plan not later than December 31, 2015, and provides that the amounts therein take effect July 1, 2016, unless rejected by the General Assembly.

* This analysis was prepared before the report of the Senate State Government Oversight and Reform Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Removes the prohibition against General Assembly members receiving "allowances or perquisites" in addition to a fixed compensation.
- Limits the prohibition against General Assembly members receiving in-term increases in compensation to apply only when the General Assembly has, during a member's term, rejected the Commission's final compensation plan.
- Removes the prohibition against compensation of judges of courts of record being diminished during a term of office.
- Requires the Governor, majority and minority leadership of the General Assembly, and Chief Justice of the Supreme Court to appoint members to the Commission.
- Eliminates the prohibition against a member of the General Assembly, during the member's term, from being appointed to a public office, the compensation of which was increased during the member's term.
- Eliminates the prohibition against executive officers' compensation being increased or decreased during the period for which the officer was elected.

CONTENT AND OPERATION

The joint resolution proposes an amendment to the Ohio Constitution that establishes a Public Office Compensation Commission to review and set the compensation of elected officials, subject to rejection by the General Assembly. The proposal is to be submitted to the electors at a special election to be held on May 5, 2015.

Duties of Public Office Compensation Commission

The Public Office Compensation Commission is required to meet each even-numbered year to review the current compensation of each elected public official in the state.¹ Currently, the General Assembly establishes, by law, the compensation of all officers,² of all executive officers,³ and of justices of the Supreme Court and judges of the courts of appeals, courts of common pleas, and divisions thereof, and of all courts of record established by law.⁴ Under the proposal, the Commission, instead of the General

¹ Ohio Const., Art. II, § 20a(A)(1).

² Ohio Const., Art. II, § 20.

³ Ohio Const., Art. III, § 19.

⁴ Ohio Const., Art. IV, § 6(B).



Assembly, is to establish the compensation of all elected public officials.⁵ When reviewing the current compensation of elected public officials, the Commission must consider factors provided by law, including the amount of compensation paid to similarly skilled individuals in the private sector, the amount of compensation paid to individuals in comparable elected public offices in other states, and the current financial condition of and within Ohio.⁶

After completing its review, the Commission must prepare, by vote of five of its members, a proposed compensation plan that sets forth the compensation amounts for each elected public official in the state, and must prepare a report of the proposed compensation plan. The Commission must present the proposed compensation plan and the report at not less than three public hearings in the state to obtain public input regarding the plan. After conducting the public hearings, the Commission must issue, by vote of five of its members, a final compensation plan. The Commission must prepare a report of the final compensation plan not later than the last day of December in each even-numbered year. When a proposed or final compensation plan increases or decreases the compensation amount of an elected public official by more than the lesser of 3% or the percentage increase, if any, in the consumer price index,⁷ the Commission must include specific factors that support the increase or decrease in its accompanying report.⁸

Effective date of final compensation plan; rejection of plan by General Assembly

The compensation amounts set forth in the final compensation plan for each elected public official take effect on the first day of July of the following odd-numbered year unless, before that day, the General Assembly, by a three-fifths vote of the members elected to each house, adopts a concurrent resolution rejecting one or more of the compensation amounts. If the General Assembly rejects a final compensation plan or portion thereof, a member of the General Assembly is not entitled to an increase in compensation for the duration of the member's term of office.⁹

⁵ Ohio Const., Art. II, § 20a(B)(1).

⁶ Ohio Const., Art. II, § 20a(B)(1).

⁷ Measured over the 12-month period that ends on the 30th day of September of the immediately preceding year, rounded to the nearest $\frac{1}{10}$ of 1%.

⁸ Ohio Const., Art. II, § 20a(B)(1).

⁹ Ohio Const., Art. II, § 20a(B)(2).



Initial actions of the Public Office Compensation Commission

The Commission must meet in 2015 to prepare and issue its initial proposed and final compensation plans and the accompanying reports following the process described above. The final compensation plan and report must be issued not later than December 31, 2015. The compensation amounts in the initial final compensation plan take effect July 1, 2016, unless rejected by the General Assembly as described above. If the General Assembly rejects the initial final compensation plan, or a portion thereof, a member of the General Assembly is not entitled to an increase in compensation for the duration of the member's term of office.¹⁰

Creation of Public Office Compensation Commission

The proposal creates the Public Office Compensation Commission consisting of nine members appointed as follows: two by the Governor, two by the President of the Senate, two by the Speaker of the House of Representatives, one by the Minority Leader of the Senate, one by the Minority Leader of the House of Representatives, and one by the Chief Justice of the Supreme Court. The following individuals are not eligible to be appointed as a member of the Commission: (1) an officer or employee of the state or a political subdivision of the state, or a family member, as defined by statute, of an officer or employee of the state or a political subdivision of the state, (2) an individual who was a candidate for election to public office in the state within 12 months before appointment, or (3) an individual who engages during at least a portion of the individual's time to actively advocate legislation on behalf of another.

Members serve two-year terms and may not serve more than four consecutive terms. The Commission selects its chairperson by a majority vote. Members do not receive compensation, but must be reimbursed for actual and necessary expenses incurred in the performance of Commission duties.¹¹ Vacancies on the Commission are to be filled in the manner prescribed for the original appointment.

Miscellaneous

Current law prohibits the compensation of a judge of a court of record from being diminished in term.¹² The proposal removes this prohibition.

¹⁰ Schedule I.

¹¹ Ohio Const., Art. II, § 20a(B).

¹² Ohio Const., Art. IV, § 6.



Currently, the compensation of members of the General Assembly may not be changed in term.¹³ The proposal limits the prohibition to only an increase received in-term when the General Assembly has, during a member's term, rejected the Commission's final compensation plan.¹⁴

The proposal eliminates the prohibition against a member of the General Assembly, during the member's term, from being appointed to a public office, the compensation of which was increased during the member's term.

The proposal eliminates the prohibition against certain executive officers, during the period for which the officers were elected, from receiving an increase or decrease in compensation.

HISTORY

ACTION	DATE
Introduced	12-03-14
Reported, S. State Gov't Oversight and Reform	---

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¹³ Ohio Const., Art. II, § 4.

¹⁴ Ohio Const., Art. II, § 20a(B)(2).



**Ohio Constitutional Modernization Commission
Legislative Branch and Executive Branch Committee**

Article II Provisions	
Sec. 2	Election and term of state legislators (1967, am. 1992)
Notes:	
Sec. 3	Residence requirements for state legislators (1851, am. 1967)
Notes:	
Sec. 4	Dual office and conflict of interest prohibited (1851, am. 1973)
Notes:	
Sec. 5	Who shall not hold office (1851)
Notes:	
Sec. 6	Powers of each house (1851, am. 1973)
Notes:	
Sec. 7	Organization of each house of the General Assembly (1851, am. 1973)
Notes:	
Sec. 8	Sessions of the General Assembly (1973)
Notes:	
Sec. 9	House and Senate Journals (yeas and nays) (1851, am. 1973)
Notes:	
Sec. 10	Rights of members to protest (1851)
Notes:	
Sec. 11	Filling vacancy in House or Senate (1851, am. 1961, 1968, 1973)
Notes:	
Sec. 12	Privilege of members from arrest, and of speech (1851)
Notes:	
Sec. 13	Legislative sessions to be public; exceptions (1851)
Notes:	
Sec. 14	Power of adjournment (1851, am. 1973)
Notes:	
Sec. 15	How bill shall be passed (1973)
Notes:	

**Ohio Constitutional Modernization Commission
Legislative Branch and Executive Branch Committee**

Sec. 16	Bills to be signed by governor; veto (1851, am. 1903, 1912, 1973)
Notes:	
Sec. 17	Repealed - referred to the signing of all bills and joint resolutions by the presiding officer of each house (1851, rep. 1973)
Notes:	
Sec. 18	Repealed - referred to the style of laws (1851, rep. 1973)
Notes:	
Sec. 19	Repealed - referred to the exclusion of senators and representatives from appointment to any civil office of this state (1851, rep. 1973)
Notes:	
Sec. 20	Term of office, and compensation of officers in certain cases (1851)
Notes:	
Sec. 21	Contested elections (1851)
Notes:	
Sec. 22	Appropriations (1851)
Notes:	
Sec. 23	Impeachments; how instituted and conducted (1851)
Notes:	
Sec. 24	Officers liable to impeachment; consequences (1851)
Notes:	
Sec. 25	Repealed - when sessions commence (1851, rep. 1973)
Notes:	
Sec. 26	Laws to have a uniform operation (1851)
Notes:	
Sec. 27	Election and appointment of officers; filling vacancies (1851, am. 1953)
Notes:	
Sec. 28	Retroactive laws (1851)
Notes:	
Sec. 29	No extra compensation; exceptions (1851)
Notes:	
Sec. 30	New counties (1851)
Notes:	

**Ohio Constitutional Modernization Commission
Legislative Branch and Executive Branch Committee**

Sec. 31	Compensation of members and officers of the General Assembly (1851)
Notes:	
Sec. 32	Divorces and judicial power (1851)
Notes:	
Sec. 33	Mechanics' and contractors' liens (1912)
Notes:	
Sec. 34	Welfare of employees (1912)
Notes:	
Sec. 34a	Minimum Wage (2006)
Notes:	
Sec. 35	Workers' compensation (1912, am. 1923)
Notes:	
Sec. 36	Conservation of natural resources (1912, am. 1973)
Notes:	
Sec. 37	Workday and workweek on public projects (1912)
Notes:	
Sec. 38	Removal of officials for misconduct (1912)
Notes:	
Sec. 39	Regulating expert testimony in criminal trials (1912)
Notes:	
Sec. 40	Registering and warranting land titles (1912)
Notes:	
Sec. 41	Prison labor (1912, am. 1978)
Notes:	
Sec. 42	Continuity of government operations in emergencies caused by enemy attack (1961)
Notes:	