

As Reported by the Senate Finance Committee

131st General Assembly

Regular Session

2015-2016

Sub. S. J. R. No. 1

Senator Faber

**Cosponsors: Senators Widener, Patton, Oelslager, Obhof, Williams, Seitz,
LaRose, Bacon, Beagle, Hottinger, Coley**

A JOINT RESOLUTION

Proposing to amend Sections 4, 20, and 31 of Article 1
II, Section 19 of Article III, and Section 6 of 2
Article IV and to enact Section 20a of Article II 3
of the Constitution of the State of Ohio to 4
establish the Public Office Compensation 5
Commission. 6

Be it resolved by the General Assembly of the State of 7
Ohio, three-fifths of the members elected to each house 8
concurring herein, that there shall be submitted to the 9
electors of the state, in the manner prescribed by law at the 10
general election to be held on November 3, 2015, a proposal 11
to amend Sections 4, 20, and 31 of Article II, Section 19 of 12
Article III, and Section 6 of Article IV and to enact Section 13
20a of Article II of the Constitution of the State of Ohio to 14
read as follows: 15

ARTICLE II 16

Section 4. No member of the general assembly shall, 17

during the term of office for which ~~he~~ the member was 18
elected, unless during such term ~~he~~ the member resigns 19
therefrom, hold any public office under the United States, 20
or this state, or a political subdivision thereof; but this 21
provision does not extend to officers of a political party, 22
notaries public, or officers of the militia or of the United 23
States armed forces. 24

No member of the general assembly shall, during the 25
term of office for which ~~he~~ the member was elected, or for 26
one year thereafter, be appointed to any public office under 27
this state, which office was created ~~or the compensation of~~ 28
~~which was increased,~~ during the term of office for which ~~he~~ 29
the member was elected. 30

Section 20. The General Assembly, in cases not provided 31
for in this constitution, shall fix the term of office and 32
the compensation of all officers; but no change therein 33
shall affect the salary of any officer during ~~his~~ the 34
officer's existing term of office, unless the office be 35
abolished. 36

Section 20a. (A) The Public Office Compensation 37
Commission is created. The Commission consists of the 38
following nine voting members: two members appointed by the 39
Governor; two members appointed by the President of the 40
Senate; two members appointed by the Speaker of the House of 41
Representatives; one member appointed by the legislative 42
leader of the largest political party in the Senate of which 43
the President of the Senate is not a member; one member 44
appointed by the legislative leader of the largest political 45
party in the House of Representatives of which the Speaker 46
of the House of Representatives is not a member; and one 47
member appointed by the Chief Justice of the Supreme Court. 48

The following are not eligible to be appointed as a member 49
of the Commission: (1) an officer or employee of the state 50
or a political subdivision of the state or a family member, 51
as defined by law, of an officer or employee of the state or 52
a political subdivision of the state; (2) an individual who, 53
within twelve months before appointment, was a candidate for 54
election to a public office in the state; or (3) an 55
individual who engages during at least a portion of the 56
individual's time to actively advocate legislation on behalf 57
of another. 58

Terms of members of the Commission are for two years. 59
Members may not serve more than four consecutive terms. The 60
Commission chairperson shall be selected by majority vote of 61
all members of the Commission. Members are not entitled to 62
compensation, but shall be reimbursed for actual and 63
necessary expenses incurred in the performance of Commission 64
duties. A vacancy among the members of the Commission shall 65
be filled in the manner prescribed for the original 66
appointment. A member may be removed from the Commission 67
only by that member's designated appointing authority and 68
only if it is found that the member is inefficient or 69
derelict in the discharge of the member's duties. 70

(B) (1) The Public Office Compensation Commission shall 71
meet each even-numbered year to review the current 72
compensation of each elected public office in the state. The 73
Commission shall consider such factors as are provided by 74
law, including the amount of compensation paid to similarly 75
skilled individuals in the private sector, the amount of 76
compensation paid to individuals in comparable elected 77
public offices in other states, and the current financial 78
condition of and within Ohio. After completing its review, 79

the Commission, by vote of at least five of its members, 80
shall prepare a proposed compensation plan that sets forth 81
the compensation of each elected public office in the state. 82
The Commission shall prepare a report of its proposed 83
compensation plan and promptly submit the report to the 84
Governor, the President of the Senate, the legislative 85
leader of the largest political party in the Senate of which 86
the President of the Senate is not a member, the Speaker of 87
the House of Representatives, the legislative leader of the 88
largest political party in the House of Representatives of 89
which the Speaker of the House of Representatives is not a 90
member, and the Chief Justice of the Supreme Court. The 91
Commission shall present the proposed compensation plan and 92
report at not less than three public hearings in the state 93
in order to obtain public input regarding the proposed 94
compensation plan. After conducting its public hearings, the 95
Commission, by vote of at least five of its members, shall 96
issue a final compensation plan that sets forth the 97
compensation of each elected public office in the state. The 98
Commission shall prepare a report of its final compensation 99
plan not later than the last day of December in each even- 100
numbered year and, upon completion of the report, promptly 101
submit it to the Governor, the President of the Senate, the 102
legislative leader of the largest political party in the 103
Senate of which the President of the Senate is not a member, 104
the Speaker of the House of Representatives, the legislative 105
leader of the largest political party in the House of 106
Representatives of which the Speaker of the House of 107
Representatives is not a member, and the Chief Justice of 108
the Supreme Court. 109

If a proposed or final compensation plan increases or 110

decreases the compensation amount of an elected public 111
office by greater than the lesser of the following, the 112
Commission shall include, in its accompanying report, 113
specific factors that support the increase or decrease: 114

(a) Three per cent; or 115

(b) The percentage increase, if any, in the consumer 116
price index, or a generally available comparable index, over 117
the twelve-month period that ends on the thirtieth day of 118
September of the immediately preceding year, rounded to the 119
nearest one-tenth of one per cent. 120

(2) The compensation amounts set forth in the final 121
compensation plan for each elected public office in the 122
state shall take effect on the first day of July of the 123
following odd-numbered year unless, before that day, the 124
General Assembly, by a three-fifths vote of the members 125
elected to each house, adopts a concurrent resolution 126
rejecting one or more of the compensation amounts. In that 127
event, only those compensation amounts not rejected by the 128
General Assembly shall take effect on that date. 129

If the General Assembly rejects a final compensation 130
plan or portion thereof, a member of the General Assembly 131
who, at the time the plan was voted on, voted or would have 132
been entitled to vote thereon, is not entitled to an 133
increase in compensation for the duration of the member's 134
term of office. 135

(3) The compensation amount established under this 136
section for a judicial office may be decreased during a 137
judicial officer's existing term of office only if both of 138
the following conditions are met: 139

(a) The General Assembly passes a bill by a three- 140
fifths vote of the members elected to each house that 141
declares a state of fiscal emergency requiring an in-term 142
decrease in compensation and decreases the compensation 143
amount for every elected public office by the same 144
percentage. 145

(b) The Governor signs the bill. 146

(C) This section does not affect the compensation of a 147
county officer elected under a county charter that has been 148
adopted under Article X, Sections 3 and 4 of this 149
constitution, or the compensation of an officer of a 150
municipal corporation elected under the power of local self- 151
government as exercised by a municipal corporation under 152
Article XVIII, Sections 3 and 7 of this constitution. 153

(D) This section shall otherwise be implemented in the 154
manner and to the extent provided by the General Assembly by 155
law. 156

Section 31. ~~The members and officers of the General~~ 157
~~Assembly shall receive a fixed compensation, to be~~ 158
~~prescribed by law, and no other allowance or perquisites,~~ 159
~~either in the payment of postage or otherwise; and no change~~ 160
~~in their compensation shall take effect during their term of~~ 161
~~office. as provided for in Article II, Section 20a of this~~ 162
~~constitution.~~ 163

ARTICLE III 164

Section 19. The officers mentioned in this article 165
shall, at stated times, receive, for their services, a 166
~~compensation to be established by law, which shall neither~~ 167
~~be increased nor diminished during the period for which they~~ 168

~~shall have been elected as provided for in Article II,~~ 169
~~Section 20a of this constitution.~~ 170

ARTICLE IV 171

Section 6. (A) (1) The chief justice and the justices of 172
the supreme court shall be elected by the electors of the 173
state at large, for terms of not less than six years. 174

(2) The judges of the courts of appeals shall be 175
elected by the electors of their respective appellate 176
districts, for terms of not less than six years. 177

(3) The judges of the courts of common pleas and the 178
divisions thereof shall be elected by the electors of the 179
counties, districts, or, as may be provided by law, other 180
subdivisions, in which their respective courts are located, 181
for terms of not less than six years, and each judge of a 182
court of common pleas or division thereof shall reside 183
during ~~his~~ the judge's term of office in the county, 184
district, or subdivision in which ~~his~~ the judge's court is 185
located. 186

(4) Terms of office of all judges shall begin on the 187
days fixed by law, and laws shall be enacted to prescribe 188
the times and mode of their election. 189

(B) The judges of the supreme court, courts of appeals, 190
courts of common pleas, and divisions thereof, and of all 191
courts of record established by law, shall, at stated times, 192
receive, for their services such compensation as ~~may be~~ 193
~~provided by law, which shall not be diminished during their~~ 194
~~term of office~~ for in Article II, Section 20a of this 195
constitution. The compensation of all judges of the supreme 196
court, except that of the chief justice, shall be the same. 197

The compensation of all judges of the courts of appeals 198
shall be the same. Common pleas judges and judges of 199
divisions thereof, and judges of all courts of record 200
established by law shall receive such compensation as ~~may be~~ 201
~~provided by law~~ for in Article II, Section 20a of this 202
constitution. Judges shall ~~receive no fees or perquisites,~~ 203
~~nor not~~ hold any other office of profit or trust, under the 204
authority of this state, or of the United States. All votes 205
for any judge, for any elective office, except a judicial 206
office, under the authority of this state, given by the 207
general assembly, or the people shall be void. 208

(C) No person shall be elected or appointed to any 209
judicial office if on or before the day when ~~he~~ the person 210
shall assume the office and enter upon the discharge of its 211
duties ~~he~~ the person shall have attained the age of seventy 212
years. Any voluntarily retired judge, or any judge who is 213
retired under this section, may be assigned with ~~his~~ the 214
judge's consent, by the chief justice or acting chief 215
justice of the supreme court to active duty as a judge and 216
while so serving shall receive the established compensation 217
for such office, computed upon a per diem basis, in addition 218
to any retirement benefits to which ~~he~~ the judge may be 219
entitled. Laws may be passed providing retirement benefits 220
for judges. 221

SCHEDULE I 222

The Public Office Compensation Commission shall meet in 223
2015 to review the current compensation of each elected 224
public office in the state. The Commission shall issue a 225
proposed compensation plan and final compensation plan, and 226
the accompanying reports, not later than ~~December 31,~~ 227
~~2015~~ February 29, 2016, in accordance with the process in 228

Article II, Section 20a of the Constitution. 229

The compensation amounts set forth in the final 230
compensation plan for each elected public office in the 231
state shall take effect on July 1, 2016, unless, before that 232
day, the General Assembly, by a three-fifths vote of the 233
members elected to each house, adopts a concurrent 234
resolution rejecting one or more of the compensation 235
amounts. In that event, only those compensation amounts not 236
rejected by the General Assembly shall take effect on that 237
date. 238

If the General Assembly rejects a final compensation 239
plan or portion thereof, a member of the General Assembly 240
who, at the time the plan was voted on, voted or would have 241
been entitled to vote thereon, is not entitled to an 242
increase in compensation for the duration of the member's 243
term of office. 244

SCHEDULE II 245

The term of an initial appointment to the Commission 246
begins upon appointment and ends December 31, 2017. 247

If, by November 13, 2015, one or more appointments have 248
not been made to the Commission, a majority of the members 249
of the Commission who have been appointed by that date shall 250
appoint, not later than November 15, 2015, a sufficient 251
number of individuals to the Commission so that the 252
Commission consists of nine voting members, and shall 253
promptly notify the Governor, President of the Senate, 254
Speaker of the House of Representatives, Minority Leader of 255
the Senate, Minority Leader of the House of Representatives, 256
and Chief Justice of the Supreme Court appointing 257
authorities listed in Division (A) of Section 20a of Article 258

<u>II of the Ohio Constitution</u> of the appointments.	259
SCHEDULE III	260
Some of the proposed amendments to Ohio Constitution,	261
Article II, Sections 4 and 20, and Article IV, Section 6,	262
replace gender specific language with gender neutral	263
language. These amendments are not intended to make	264
substantive changes in the Ohio Constitution. The gender	265
neutral language shall be interpreted as a restatement of,	266
and substituted in a continuing way for, the corresponding	267
gender specific language existing prior to adoption of the	268
proposal.	269
EFFECTIVE DATE AND REPEAL	270
If adopted by a majority of the electors voting on this	271
proposal, Sections 4, 20, and 31 of Article II, Section 19	272
of Article III, and Section 6 of Article IV of the	273
Constitution of the State of Ohio as amended by this	274
proposal and Section 20a of Article II of the Constitution	275
of the State of Ohio shall take effect immediately and	276
existing Sections 4, 20, and 31 of Article II, Section 19 of	277
Article III, and Section 6 of Article IV of the Constitution	278
of the State of Ohio are repealed effective immediately.	279