

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 649

Representative Becker

Cosponsors: Representatives Henne, Lang, Butler, Vitale, Keller, Dean

A BILL

To amend sections 101.27, 141.011, 141.04, and 1
4928.64 of the Revised Code to enact the 2
"Average Wage Fully Uniform Law (AWFUL)" to set 3
the baseline compensation for General Assembly 4
members equal to Ohio's median household income. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 101.27, 141.011, 141.04, and 6
4928.64 of the Revised Code be amended to read as follows: 7

Sec. 101.27. (A) (1) Every member of the senate, except the 8
members elected president, president pro tempore, assistant 9
president pro tempore, majority whip, minority leader, assistant 10
minority leader, minority whip, and assistant minority whip, 11
shall receive as compensation a salary ~~of fifty one thousand six~~ 12
~~hundred seventy four dollars a~~ equal to the statewide median 13
household income per year during the senator's term of office. 14
Every member of the house of representatives, except the members 15
elected speaker, speaker pro tempore, majority floor leader, 16
assistant majority floor leader, majority whip, assistant 17
majority whip, minority leader, assistant minority leader, 18

minority whip, and assistant minority whip, shall receive as 19
compensation a salary ~~of fifty one thousand six hundred seventy-~~ 20
~~four dollars~~ a equal to the statewide median household income 21
per year during the representative's term of office. Such 22
salaries shall be paid in equal monthly installments during such 23
term. All monthly payments shall be made on or before the fifth 24
day of each month. Upon the death of any member of the general 25
assembly during the member's term of office, any unpaid salary 26
due such member for the remainder of the member's term shall be 27
paid to the member's surviving spouse, children, mother, or 28
father, in the order in which the relationship is set forth in 29
this section in monthly installments. 30

(2) Each member shall receive a travel reimbursement per 31
mile each way, at the same mileage rate allowed for the 32
reimbursement of travel expenses of state agents as provided by 33
rule of the director of budget and management pursuant to 34
division (B) of section 126.31 of the Revised Code, for mileage 35
not more than once a week during the session for travel incurred 36
by a member from and to the member's place of residence, by the 37
most direct highway route of public travel to and from the seat 38
of government, to be paid quarterly on the last day of March, 39
June, September, and December of each year. 40

(3) The member of the senate elected president and the 41
member of the house of representatives elected speaker shall 42
each receive as compensation a salary ~~of eighty thousand five-~~ 43
~~hundred forty nine dollars~~ a equal to one hundred fifty-six per 44
cent of the statewide median household income per year during 45
the president's or speaker's term of office. 46

The member of the senate elected president pro tempore, 47
the member of the senate elected minority leader, the member of 48

the house of representatives elected speaker pro tempore, and 49
the member of the house of representatives elected minority 50
leader shall each receive as compensation a salary ~~of seventy-~~ 51
~~three thousand four hundred ninety three dollars a~~ equal to one 52
hundred forty-two per cent of the statewide median household 53
income per year during the member's term of office. The member 54
of the house of representatives elected majority floor leader 55
and the member of the senate elected assistant president pro 56
tempore shall each receive as compensation a salary ~~of sixty-~~ 57
~~nine thousand two hundred twenty seven dollars a~~ equal to one 58
hundred thirty-four per cent of the statewide median household 59
income per year during the member's term of office. The member 60
of the senate elected assistant minority leader and the member 61
of the house of representatives elected assistant minority 62
leader shall each receive as compensation a salary ~~of sixty-~~ 63
~~seven thousand ninety nine dollars a~~ equal to one hundred thirty 64
per cent of the statewide median household income per year 65
during the member's term of office. The member of the senate 66
elected majority whip and the member of the house of 67
representatives elected assistant majority floor leader shall 68
each receive a salary ~~of sixty four thousand nine hundred sixty-~~ 69
~~seven dollars a~~ equal to one hundred twenty-six per cent of the 70
statewide median household income per year during the member's 71
term of office. The member of the senate elected minority whip, 72
the member of the house of representatives elected majority 73
whip, and the member of the house of representatives elected 74
minority whip shall each receive as compensation a salary ~~of-~~ 75
~~sixty thousand seven hundred six dollars a~~ equal to one hundred 76
seventeen per cent of the statewide median household income per 77
year during the member's term of office. The member of the house 78
of representatives elected assistant majority whip shall receive 79
as compensation a salary ~~of fifty six thousand four hundred-~~ 80

~~forty three dollars a equal to one hundred nine per cent of the~~ 81
~~statewide median household income per year~~ during the member's 82
term of office. The member of the house of representatives 83
elected assistant minority whip and the member of the senate 84
elected assistant minority whip shall each receive a salary ~~of~~ 85
~~fifty four thousand sixty dollars a equal to one hundred five~~ 86
~~per cent of the statewide median household income per year~~ 87
during the member's term of office. 88

(4) The chairperson of the finance committee of each house 89
shall receive an additional sum ~~of ten thousand dollars annually~~ 90
~~equal to seventeen per cent of the statewide median household~~ 91
~~income.~~ The chairperson of each standing committee of each house 92
other than the finance committee shall receive an additional sum 93
~~of six thousand five hundred dollars annually equal to eleven~~ 94
~~per cent of the statewide median household income.~~ The 95
chairperson of each standing subcommittee of a finance committee 96
shall receive an additional sum ~~of six thousand five hundred~~ 97
~~dollars annually equal to eleven per cent of the statewide~~ 98
~~median household income.~~ The vice-chairperson of the finance 99
committee of each house shall receive an additional sum ~~of five~~ 100
~~thousand five hundred dollars annually equal to nine per cent of~~ 101
~~the statewide median household income.~~ The ranking minority 102
member of the finance committee of each house shall receive an 103
additional sum ~~of six thousand five hundred dollars annually~~ 104
~~equal to eleven per cent of the statewide median household~~ 105
~~income.~~ The ranking minority member of each standing 106
subcommittee of a finance committee shall receive an additional 107
sum ~~of five thousand dollars annually equal to eight per cent of~~ 108
~~the statewide median household income.~~ The chairperson of each 109
standing subcommittee of each house other than a standing 110
subcommittee of the finance committee shall receive an 111

additional sum ~~of five thousand dollars annually equal to eight~~ 112
~~per cent of the statewide median household income.~~ The vice- 113
chairperson and ranking minority member of each standing 114
committee of each house other than the finance committee shall 115
each receive an additional sum ~~of five thousand dollars annually~~ 116
~~equal to eight per cent of the statewide median household~~ 117
~~income.~~ ~~Except for the ranking minority member of each standing~~ 118
~~subcommittee of a finance committee, the~~ The ranking minority 119
member of each standing subcommittee of each house other than a 120
standing subcommittee of the finance committee shall receive an 121
additional sum ~~of two thousand five hundred dollars annually~~ 122
~~equal to four per cent of the statewide median household income.~~ 123

No member may receive more than one additional sum for 124
serving as chairperson, vice-chairperson, or ranking minority 125
member of a standing committee or standing subcommittee, 126
regardless of the number of standing committees or standing 127
subcommittees on which the member serves as chairperson, vice- 128
chairperson, or ranking minority member. 129

(5) If a member is absent without leave, or is not excused 130
on the member's return, there shall be deducted from the 131
member's compensation twenty dollars for each day's absence. 132

~~(B) Each calendar year from 2002 through 2008, the salary~~ 133
~~amounts under divisions (A) (1) and (3) of this section shall be~~ 134
~~increased by the lesser of the following:~~ 135

~~(1) Three per cent;~~ 136

~~(2) The percentage increase, if any, in the consumer price~~ 137
~~index over the twelve-month period that ends on the thirtieth~~ 138
~~day of September of the immediately preceding year, rounded to~~ 139
~~the nearest one-tenth of one per cent.~~ 140

(C) As used in this section:	141
(1) "Consumer price index" means the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: all items, 1982-1984=100), or, if that index is no longer published, a generally available comparable index.	142 143 144 145 146
(2) "Finance committee" means the finance committee of the senate and the finance appropriations <u>finance</u> committee of the house of representatives.	147 148 149
<u>(2) "Statewide median household income" means the statewide median household income set forth in the most recent figures from the United States census bureau available the last day of December to be used the following calendar year.</u>	150 151 152 153
Sec. 141.011. Beginning in calendar year 2001, the annual salaries of the elective officers of the state shall be as follows rather than as prescribed by divisions (A) to (F) of section 141.01 of the Revised Code:	154 155 156 157
(A) (1) In calendar year 2001 the annual salary of the governor shall be one hundred twenty-six thousand four hundred ninety-seven dollars.	158 159 160
(2) In calendar years 2002 through 2006 the annual salary of the governor shall be one hundred thirty thousand two hundred ninety-two dollars.	161 162 163
(3) In calendar year 2007 the annual salary of the governor shall be the annual salary in 2006 increased by each of the following percentages in succession:	164 165 166
(a) The lesser of three per cent or the percentage increase, if any, in the consumer price index from October 1,	167 168

2001, to September 30, 2002, rounded to the nearest one-tenth of	169
one per cent;	170
(b) The lesser of three per cent or the percentage	171
increase, if any, in the consumer price index from October 1,	172
2002, to September 30, 2003, rounded to the nearest one-tenth of	173
one per cent;	174
(c) The lesser of three per cent or the percentage	175
increase, if any, in the consumer price index from October 1,	176
2003, to September 30, 2004, rounded to the nearest one-tenth of	177
one per cent;	178
(d) The lesser of three per cent or the percentage	179
increase, if any, in the consumer price index from October 1,	180
2004, to September 30, 2005, rounded to the nearest one-tenth of	181
one per cent;	182
(e) The lesser of three per cent or the percentage	183
increase, if any, in the consumer price index from October 1,	184
2005, to September 30, 2006, rounded to the nearest one-tenth of	185
one per cent.	186
(4) In calendar year 2008 and thereafter, the annual	187
salary of the governor shall be the annual salary in 2007	188
increased by the lesser of the following:	189
(a) Three per cent;	190
(b) The percentage increase, if any, in the consumer price	191
index from October 1, 2006, to September 30, 2007, rounded to	192
the nearest one-tenth of one per cent.	193
(B) (1) In calendar year 2001 the annual salary of the	194
lieutenant governor shall be sixty-six thousand three hundred	195
six dollars.	196

(2) In calendar years 2002 through 2006 the annual salary 197
of the lieutenant governor shall be sixty-eight thousand two 198
hundred ninety-five dollars. 199

(3) In calendar year 2007 the annual salary of the 200
lieutenant governor shall be the annual salary in 2006 increased 201
by each of the following percentages in succession: 202

(a) The lesser of three per cent or the percentage 203
increase, if any, in the consumer price index from October 1, 204
2001, to September 30, 2002, rounded to the nearest one-tenth of 205
one per cent; 206

(b) The lesser of three per cent or the percentage 207
increase, if any, in the consumer price index from October 1, 208
2002, to September 30, 2003, rounded to the nearest one-tenth of 209
one per cent; 210

(c) The lesser of three per cent or the percentage 211
increase, if any, in the consumer price index from October 1, 212
2003, to September 30, 2004, rounded to the nearest one-tenth of 213
one per cent; 214

(d) The lesser of three per cent or the percentage 215
increase, if any, in the consumer price index from October 1, 216
2004, to September 30, 2005, rounded to the nearest one-tenth of 217
one per cent; 218

(e) The lesser of three per cent or the percentage 219
increase, if any, in the consumer price index from October 1, 220
2005, to September 30, 2006, rounded to the nearest one-tenth of 221
one per cent. 222

(4) In calendar year 2008 and thereafter, the annual 223
salary of the lieutenant governor shall be the annual salary in 224
2007 increased by the lesser of the following: 225

(a) Three per cent;	226
(b) The percentage increase, if any, in the consumer price index from October 1, 2006 to September 30, 2007, rounded to the nearest one-tenth of one per cent.	227 228 229
If the governor appoints the lieutenant governor as an administrative department head, the lieutenant governor may accept the salary for that office while serving as its head in lieu of the salary for the office of lieutenant governor.	230 231 232 233
(C) (1) In calendar year 2001 the annual salary of the secretary of state, auditor of state, treasurer of state, and attorney general shall be ninety-three thousand four hundred forty-seven dollars.	234 235 236 237
(2) In calendar year 2002 the annual salary of the secretary of state, auditor of state, treasurer of state, and attorney general shall be ninety-six thousand two hundred fifty dollars.	238 239 240 241
(3) In each calendar year from 2003 through 2008, the annual salary of the secretary of state, auditor of state, treasurer of state, and attorney general shall be increased by the lesser of the following:	242 243 244 245
(a) Three per cent;	246
(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.	247 248 249 250
(D) Upon the death of an elected executive officer of the state listed in divisions (A) to (F) of section 141.01 of the Revised Code during that person's term of office, an amount	251 252 253

shall be paid in accordance with section 2113.04 of the Revised Code, or to that person's estate. The amount shall equal the amount of the salary that the officer would have received during the remainder of the officer's unexpired term or an amount equal to the salary of that person's office for two years, whichever is less.

(E) As used in this section, "consumer price index" ~~has the same meaning as in section 101.27 of the Revised Code~~ means the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: all items, 1982-1984=100), or, if that index is no longer published, a generally available comparable index.

Sec. 141.04. (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows:

(1) For the chief justice of the supreme court, the following amounts effective in the following years:

(a) Beginning January 1, 2014, one hundred fifty thousand eight hundred fifty dollars;

(b) ~~Beginning on the effective date of this amendment~~ September 29, 2015, one hundred fifty-eight thousand four hundred dollars;

(c) Beginning January 1, 2017, one hundred sixty-six thousand three hundred fifty dollars;

(d) Beginning January 1, 2018, one hundred seventy-four thousand seven hundred dollars;

(e) Beginning January 1, 2019, and each calendar year thereafter, one hundred eighty-three thousand four hundred fifty

dollars.	282
(2) For the justices of the supreme court, the following amounts effective in the following years:	283
	284
(a) Beginning January 1, 2014, one hundred forty-one thousand six hundred dollars;	285
	286
(b) Beginning on the effective date of this amendment <u>September 29, 2015</u> , one hundred forty-eight thousand seven hundred dollars;	287
	288
	289
(c) Beginning January 1, 2017, one hundred fifty-six thousand one hundred fifty dollars;	290
	291
(d) Beginning January 1, 2018, one hundred sixty-four thousand dollars;	292
	293
(e) Beginning January 1, 2019, and each calendar year thereafter, one hundred seventy-two thousand two hundred dollars.	294
	295
	296
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	297
	298
(a) Beginning January 1, 2014, one hundred thirty-two thousand dollars;	299
	300
(b) Beginning on the effective date of this amendment <u>September 29, 2015</u> , one hundred thirty-eight thousand six hundred dollars;	301
	302
	303
(c) Beginning January 1, 2017, one hundred forty-five thousand five hundred fifty dollars;	304
	305
(d) Beginning January 1, 2018, one hundred fifty-two thousand eight hundred fifty dollars;	306
	307
(e) Beginning January 1, 2019, and each calendar year	308

thereafter, one hundred sixty thousand five hundred dollars.	309
(4) For the judges of the courts of common pleas, the	310
following amounts effective in the following years, reduced by	311
an amount equal to the annual compensation paid to that judge	312
from the county treasury pursuant to section 141.05 of the	313
Revised Code:	314
(a) Beginning January 1, 2014, one hundred twenty-one	315
thousand three hundred fifty dollars;	316
(b) Beginning on the effective date of this amendment	317
<u>September 29, 2015</u> , one hundred twenty-seven thousand four	318
hundred fifty dollars;	319
(c) Beginning January 1, 2017, one hundred thirty-three	320
thousand eight hundred fifty dollars;	321
(d) Beginning January 1, 2018, one hundred forty thousand	322
five hundred fifty dollars;	323
(e) Beginning January 1, 2019, and each calendar year	324
thereafter, one hundred forty-seven thousand six hundred	325
dollars.	326
(5) For the full-time judges of a municipal court or the	327
part-time judges of a municipal court of a territory having a	328
population of more than fifty thousand, the following amounts	329
effective in the following years, reduced by an amount equal to	330
the annual compensation paid to that judge pursuant to division	331
(B) (1) (a) of section 1901.11 of the Revised Code from municipal	332
corporations and counties:	333
(a) Beginning January 1, 2014, one hundred fourteen	334
thousand one hundred dollars;	335
(b) Beginning on the effective date of this amendment	336

<u>September 29, 2015</u> , one hundred nineteen thousand eight hundred	337
fifty dollars;	338
(c) Beginning January 1, 2017, one hundred twenty-five	339
thousand eight hundred fifty dollars;	340
(d) Beginning January 1, 2018, one hundred thirty-two	341
thousand one hundred fifty dollars;	342
(e) Beginning January 1, 2019, and each calendar year	343
thereafter, one hundred thirty-eight thousand eight hundred	344
dollars.	345
(6) For judges of a municipal court designated as part-	346
time judges by section 1901.08 of the Revised Code, other than	347
part-time judges to whom division (A) (5) of this section	348
applies, and for judges of a county court, the following amounts	349
effective in the following years, reduced by an amount equal to	350
the annual compensation paid to that judge pursuant to division	351
(A) of section 1901.11 of the Revised Code from municipal	352
corporations and counties or pursuant to division (A) of section	353
1907.16 of the Revised Code from counties:	354
(a) Beginning January 1, 2014, sixty-five thousand six	355
hundred fifty dollars;	356
(b) Beginning on the effective date of this amendment	357
<u>September 29, 2015</u> , sixty-eight thousand nine hundred fifty	358
dollars;	359
(c) Beginning January 1, 2017, seventy-two thousand four	360
hundred dollars;	361
(d) Beginning January 1, 2018, seventy-six thousand fifty	362
dollars;	363
(e) Beginning January 1, 2019, and each calendar year	364

thereafter, seventy-nine thousand nine hundred dollars. 365

(B) Except as provided in sections 1901.122 and 1901.123 366
of the Revised Code, except as otherwise provided in this 367
division, and except for the compensation to which the judges 368
described in division (A) (5) of this section are entitled 369
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of 370
the Revised Code, the annual salary of the chief justice of the 371
supreme court and of each justice or judge listed in division 372
(A) of this section shall be paid in equal monthly installments 373
from the state treasury. If the chief justice of the supreme 374
court or any justice or judge listed in division (A) (2), (3), or 375
(4) of this section delivers a written request to be paid 376
biweekly to the administrative director of the supreme court 377
prior to the first day of January of any year, the annual salary 378
of the chief justice or the justice or judge that is listed in 379
division (A) (2), (3), or (4) of this section shall be paid, 380
during the year immediately following the year in which the 381
request is delivered to the administrative director of the 382
supreme court, biweekly from the state treasury. 383

(C) Upon the death of the chief justice or a justice of 384
the supreme court during that person's term of office, an amount 385
shall be paid in accordance with section 2113.04 of the Revised 386
Code, or to that person's estate. The amount shall equal the 387
amount of the salary that the chief justice or justice would 388
have received during the remainder of the unexpired term or an 389
amount equal to the salary of office for two years, whichever is 390
less. 391

(D) Neither the chief justice of the supreme court nor any 392
justice or judge of the supreme court, the court of appeals, the 393
court of common pleas, or the probate court shall hold any other 394

office of trust or profit under the authority of this state or 395
the United States. 396

(E) In addition to the salaries payable pursuant to this 397
section, the chief justice of the supreme court and the justices 398
of the supreme court shall be entitled to a vehicle allowance of 399
five hundred dollars per month, payable from the state treasury. 400
The allowance shall be increased on the first day of January of 401
each odd-numbered year by an amount equal to the percentage 402
increase, if any, in the consumer price index for the 403
immediately preceding twenty-four month period for which 404
information is available. 405

(F) On or before the first day of December of each year, 406
the Ohio supreme court, through its chief administrator, shall 407
notify the administrative judge of the Montgomery county 408
municipal court, the board of county commissioners of Montgomery 409
county, and the treasurer of the state of the yearly salary cost 410
of five part-time county court judges as of that date. If the 411
total yearly salary costs of all of the judges of the Montgomery 412
county municipal court as of the first day of December of that 413
same year exceeds that amount, the administrative judge of the 414
Montgomery county municipal court shall cause payment of the 415
excess between those two amounts less any reduced amount paid 416
for the health care costs of the Montgomery county municipal 417
court judges in comparison to the health care costs of five 418
part-time county court judges from the general special projects 419
fund or the fund for a specific special project created pursuant 420
to section 1901.26 of the Revised Code to the treasurer of 421
Montgomery county and to the treasurer of the state in amounts 422
proportional to the percentage of the salaries of the municipal 423
court judges paid by the county and by the state. 424

(G) As used in this section:	425
(1) "Consumer price index" has the same meaning as in section 101.27 <u>141.011</u> of the Revised Code.	426 427
(2) "Salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the chief justice of the supreme court or a justice or judge named in this section and paid on the chief justice's or the justice's or judge's behalf by a governmental entity.	428 429 430 431 432 433
Sec. 4928.64. (A) (1) As used in this section, "qualifying renewable energy resource" means a renewable energy resource, as defined in section 4928.01 of the Revised Code that has a placed-in-service date on or after January 1, 1998, or with respect to any run-of-the-river hydroelectric facility, an in-service date on or after January 1, 1980; a renewable energy resource created on or after January 1, 1998, by the modification or retrofit of any facility placed in service prior to January 1, 1998; or a mercantile customer-sited renewable energy resource, whether new or existing, that the mercantile customer commits for integration into the electric distribution utility's demand-response, energy efficiency, or peak demand reduction programs as provided under division (A) (2) (c) of section 4928.66 of the Revised Code, including, but not limited to, any of the following:	434 435 436 437 438 439 440 441 442 443 444 445 446 447 448
(a) A resource that has the effect of improving the relationship between real and reactive power;	449 450
(b) A resource that makes efficient use of waste heat or other thermal capabilities owned or controlled by a mercantile customer;	451 452 453

(c) Storage technology that allows a mercantile customer 454
more flexibility to modify its demand or load and usage 455
characteristics; 456

(d) Electric generation equipment owned or controlled by a 457
mercantile customer that uses a renewable energy resource. 458

(2) For the purpose of this section and as it considers 459
appropriate, the public utilities commission may classify any 460
new technology as such a qualifying renewable energy resource. 461

(B) (1) By 2027 and thereafter, an electric distribution 462
utility shall provide from qualifying renewable energy 463
resources, including, at its discretion, qualifying renewable 464
energy resources obtained pursuant to an electricity supply 465
contract, a portion of the electricity supply required for its 466
standard service offer under section 4928.141 of the Revised 467
Code, and an electric services company shall provide a portion 468
of its electricity supply for retail consumers in this state 469
from qualifying renewable energy resources, including, at its 470
discretion, qualifying renewable energy resources obtained 471
pursuant to an electricity supply contract. That portion shall 472
equal twelve and one-half per cent of the total number of 473
kilowatt hours of electricity sold by the subject utility or 474
company to any and all retail electric consumers whose electric 475
load centers are served by that utility and are located within 476
the utility's certified territory or, in the case of an electric 477
services company, are served by the company and are located 478
within this state. However, nothing in this section precludes a 479
utility or company from providing a greater percentage. 480

(2) The portion required under division (B) (1) of this 481
section shall be generated from renewable energy resources, 482
including one-half per cent from solar energy resources, in 483

accordance with the following benchmarks:	484
By end of year	485
Renewable energy resources	486
Solar energy resources	487
2009 0.25% 0.004%	488
2010 0.50% 0.010%	489
2011 1% 0.030%	490
2012 1.5% 0.060%	491
2013 2% 0.090%	492
2014 2.5% 0.12%	493
2015 2.5% 0.12%	494
2016 2.5% 0.12%	495
2017 3.5% 0.15%	496
2018 4.5% 0.18%	497
2019 5.5% 0.22%	498
2020 6.5% 0.26%	499
2021 7.5% 0.3%	500
2022 8.5% 0.34%	501
2023 9.5% 0.38%	502
2024 10.5% 0.42%	503
2025 11.5% 0.46%	504
2026 and each calendar year thereafter	505
(3) The qualifying renewable energy resources implemented	506
by the utility or company shall be met either:	507
(a) Through facilities located in this state; or	508
(b) With resources that can be shown to be deliverable	509
into this state.	510
(c) (1) The commission annually shall review an electric	511
distribution utility's or electric services company's compliance	512

with the most recent applicable benchmark under division (B) (2) 513
of this section and, in the course of that review, shall 514
identify any undercompliance or noncompliance of the utility or 515
company that it determines is weather-related, related to 516
equipment or resource shortages for qualifying renewable energy 517
resources as applicable, or is otherwise outside the utility's 518
or company's control. 519

(2) Subject to the cost cap provisions of division (C) (3) 520
of this section, if the commission determines, after notice and 521
opportunity for hearing, and based upon its findings in that 522
review regarding avoidable undercompliance or noncompliance, but 523
subject to division (C) (4) of this section, that the utility or 524
company has failed to comply with any such benchmark, the 525
commission shall impose a renewable energy compliance payment on 526
the utility or company. 527

(a) The compliance payment pertaining to the solar energy 528
resource benchmarks under division (B) (2) of this section shall 529
be an amount per megawatt hour of undercompliance or 530
noncompliance in the period under review, as follows: 531

(i) Three hundred dollars for 2014, 2015, and 2016; 532

(ii) Two hundred fifty dollars for 2017 and 2018; 533

(iii) Two hundred dollars for 2019 and 2020; 534

(iv) Similarly reduced every two years thereafter through 535
2026 by fifty dollars, to a minimum of fifty dollars. 536

(b) The compliance payment pertaining to the renewable 537
energy resource benchmarks under division (B) (2) of this section 538
shall equal the number of additional renewable energy credits 539
that the electric distribution utility or electric services 540
company would have needed to comply with the applicable 541

benchmark in the period under review times an amount that shall 542
begin at forty-five dollars and shall be adjusted annually by 543
the commission to reflect any change in the consumer price index 544
as defined in section ~~101.27~~141.011 of the Revised Code, but 545
shall not be less than forty-five dollars. 546

(c) The compliance payment shall not be passed through by 547
the electric distribution utility or electric services company 548
to consumers. The compliance payment shall be remitted to the 549
commission, for deposit to the credit of the advanced energy 550
fund created under section 4928.61 of the Revised Code. Payment 551
of the compliance payment shall be subject to such collection 552
and enforcement procedures as apply to the collection of a 553
forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the 554
Revised Code. 555

(3) An electric distribution utility or an electric 556
services company need not comply with a benchmark under division 557
(B) (2) of this section to the extent that its reasonably 558
expected cost of that compliance exceeds its reasonably expected 559
cost of otherwise producing or acquiring the requisite 560
electricity by three per cent or more. The cost of compliance 561
shall be calculated as though any exemption from taxes and 562
assessments had not been granted under section 5727.75 of the 563
Revised Code. 564

(4) (a) An electric distribution utility or electric 565
services company may request the commission to make a force 566
majeure determination pursuant to this division regarding all or 567
part of the utility's or company's compliance with any minimum 568
benchmark under division (B) (2) of this section during the 569
period of review occurring pursuant to division (C) (2) of this 570
section. The commission may require the electric distribution 571

utility or electric services company to make solicitations for 572
renewable energy resource credits as part of its default service 573
before the utility's or company's request of force majeure under 574
this division can be made. 575

(b) Within ninety days after the filing of a request by an 576
electric distribution utility or electric services company under 577
division (C) (4) (a) of this section, the commission shall 578
determine if qualifying renewable energy resources are 579
reasonably available in the marketplace in sufficient quantities 580
for the utility or company to comply with the subject minimum 581
benchmark during the review period. In making this 582
determination, the commission shall consider whether the 583
electric distribution utility or electric services company has 584
made a good faith effort to acquire sufficient qualifying 585
renewable energy or, as applicable, solar energy resources to so 586
comply, including, but not limited to, by banking or seeking 587
renewable energy resource credits or by seeking the resources 588
through long-term contracts. Additionally, the commission shall 589
consider the availability of qualifying renewable energy or 590
solar energy resources in this state and other jurisdictions in 591
the PJM interconnection regional transmission organization, 592
L.L.C., or its successor and the midcontinent independent system 593
operator or its successor. 594

(c) If, pursuant to division (C) (4) (b) of this section, 595
the commission determines that qualifying renewable energy or 596
solar energy resources are not reasonably available to permit 597
the electric distribution utility or electric services company 598
to comply, during the period of review, with the subject minimum 599
benchmark prescribed under division (B) (2) of this section, the 600
commission shall modify that compliance obligation of the 601
utility or company as it determines appropriate to accommodate 602

the finding. Commission modification shall not automatically 603
reduce the obligation for the electric distribution utility's or 604
electric services company's compliance in subsequent years. If 605
it modifies the electric distribution utility or electric 606
services company obligation under division (C)(4)(c) of this 607
section, the commission may require the utility or company, if 608
sufficient renewable energy resource credits exist in the 609
marketplace, to acquire additional renewable energy resource 610
credits in subsequent years equivalent to the utility's or 611
company's modified obligation under division (C)(4)(c) of this 612
section. 613

(5) The commission shall establish a process to provide 614
for at least an annual review of the renewable energy resource 615
market in this state and in the service territories of the 616
regional transmission organizations that manage transmission 617
systems located in this state. The commission shall use the 618
results of this study to identify any needed changes to the 619
amount of the renewable energy compliance payment specified 620
under divisions (C)(2)(a) and (b) of this section. Specifically, 621
the commission may increase the amount to ensure that payment of 622
compliance payments is not used to achieve compliance with this 623
section in lieu of actually acquiring or realizing energy 624
derived from qualifying renewable energy resources. However, if 625
the commission finds that the amount of the compliance payment 626
should be otherwise changed, the commission shall present this 627
finding to the general assembly for legislative enactment. 628

(D) The commission annually shall submit to the general 629
assembly in accordance with section 101.68 of the Revised Code a 630
report describing all of the following: 631

(1) The compliance of electric distribution utilities and 632

electric services companies with division (B) of this section; 633

(2) The average annual cost of renewable energy credits 634
purchased by utilities and companies for the year covered in the 635
report; 636

(3) Any strategy for utility and company compliance or for 637
encouraging the use of qualifying renewable energy resources in 638
supplying this state's electricity needs in a manner that 639
considers available technology, costs, job creation, and 640
economic impacts. 641

The commission shall begin providing the information 642
described in division (D) (2) of this section in each report 643
submitted after September 10, 2012. The commission shall allow 644
and consider public comments on the report prior to its 645
submission to the general assembly. Nothing in the report shall 646
be binding on any person, including any utility or company for 647
the purpose of its compliance with any benchmark under division 648
(B) of this section, or the enforcement of that provision under 649
division (C) of this section. 650

(E) All costs incurred by an electric distribution utility 651
in complying with the requirements of this section shall be 652
bypassable by any consumer that has exercised choice of supplier 653
under section 4928.03 of the Revised Code. 654

Section 2. That existing sections 101.27, 141.011, 141.04, 655
and 4928.64 of the Revised Code are hereby repealed. 656

Section 3. This act shall be known as the "Average Wage 657
Fully Uniform Law (AWFUL)." 658