

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 695

Representatives Becker, Romanchuk

Cosponsors: Representatives Butler, Dean, Vitale, Keller

A BILL

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

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

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

Sec. 101.27. (A) (1) Every member of the senate, except the
members elected president, president pro tempore, assistant
president pro tempore, majority whip, minority leader, assistant
minority leader, minority whip, and assistant minority whip,
shall receive as compensation a salary ~~of sixty-three thousand
seven dollars a~~ equal to the statewide median household income
per year during the senator's term of office. Every member of
the house of representatives, except the members elected
speaker, speaker pro tempore, majority floor leader, assistant
majority floor leader, majority whip, assistant majority whip,
minority leader, assistant minority leader, minority whip, and

assistant minority whip, shall receive as compensation a salary 19
~~of sixty three thousand seven dollars a equal to the statewide~~ 20
median household income per year during the representative's 21
term of office. Such salaries shall be paid in equal monthly 22
installments during such term. All monthly payments shall be 23
made on or before the fifth day of each month. Upon the death of 24
any member of the general assembly during the member's term of 25
office, any unpaid salary due such member for the remainder of 26
the member's term shall be paid to the member's surviving 27
spouse, children, mother, or father, in the order in which the 28
relationship is set forth in this section in monthly 29
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 ninety eight thousand~~ 43
~~two hundred fourteen dollars a equal to one hundred fifty-six~~ 44
per cent of the statewide median household income per year 45
during 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 eighty-~~ 51
~~nine thousand six hundred twelve dollars a~~ equal to one hundred 52
forty-two per cent of the statewide median household income per 53
year during the member's term of office. 54

The member of the house of representatives elected 55
majority floor leader and the member of the senate elected 56
assistant president pro tempore shall each receive as 57
compensation a salary ~~of eighty-four thousand four hundred ten-~~ 58
~~dollars a~~ equal to one hundred thirty-four per cent of the 59
statewide median household income per year during the member's 60
term of office. 61

The member of the senate elected assistant minority leader 62
and the member of the house of representatives elected assistant 63
minority leader shall each receive as compensation a salary ~~of-~~ 64
~~eighty one thousand eight hundred fifteen dollars a~~ equal to one 65
hundred thirty per cent of the statewide median household income 66
per year during the member's term of office. 67

The member of the senate elected majority whip and the 68
member of the house of representatives elected assistant 69
majority floor leader shall each receive a salary ~~of seventy-~~ 70
~~nine thousand two hundred sixteen dollars a~~ equal to one hundred 71
twenty-six per cent of the statewide median household income per 72
year during the member's term of office. 73

The member of the senate elected minority whip, the member 74
of the house of representatives elected majority whip, and the 75
member of the house of representatives elected minority whip 76
shall each receive as compensation a salary ~~of seventy-four-~~ 77
~~thousand twenty dollars a~~ equal to one hundred seventeen per 78

cent of the statewide median household income per year during 79
the member's term of office. 80

The member of the house of representatives elected 81
assistant majority whip shall receive as compensation a salary 82
~~of sixty eight thousand eight hundred twenty two dollars a equal~~ 83
to one hundred nine per cent of the statewide median household 84
income per year during the member's term of office. 85

The member of the house of representatives elected 86
assistant minority whip and the member of the senate elected 87
assistant minority whip shall each receive a salary ~~of sixty-~~ 88
~~five thousand nine hundred sixteen dollars a equal to one~~ 89
hundred five per cent of the statewide median household income 90
per year during the member's term of office. 91

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

median household income. The ranking minority member of each 109
standing subcommittee of a finance committee shall receive an 110
additional sum ~~of six thousand seven hundred fifty dollars~~ 111
annually equal to ten per cent of the statewide median household 112
income. The chairperson of each standing subcommittee of each 113
house other than a standing subcommittee of the finance 114
committee shall receive an additional sum ~~of six thousand seven-~~ 115
~~hundred fifty dollars~~ annually equal to ten per cent of the 116
statewide median household income. The vice-chairperson and 117
ranking minority member of each standing committee of each house 118
other than the finance committee shall each receive an 119
additional sum ~~of six thousand seven hundred fifty dollars~~ 120
annually equal to ten per cent of the statewide median household 121
income. Except for the ranking minority member of each standing 122
subcommittee of a finance committee, the ranking minority member 123
of each standing subcommittee of each house shall receive an 124
additional sum ~~of three thousand two hundred fifty dollars~~ 125
annually equal to five per cent of the statewide median 126
household income. 127

No member may receive more than one additional sum for 128
serving as chairperson, vice-chairperson, or ranking minority 129
member of a standing committee or standing subcommittee, 130
regardless of the number of standing committees or standing 131
subcommittees on which the member serves as chairperson, vice- 132
chairperson, or ranking minority member. 133

(5) If a member is absent without leave, or is not excused 134
on the member's return, there shall be deducted from the 135
member's compensation twenty dollars for each day's absence. 136

~~(B) (1) The salary amounts under divisions (A) (1) and (3)~~ 137
~~of this section are for calendar year 2019.~~ 138

(2) Each calendar year from 2020 through 2028, the salary	139
amounts under divisions (A) (1) and (3) of this section shall be	140
increased as follows:	141
(a) In calendar year 2020, by four per cent;	142
(b) In calendar year 2021, by three per cent;	143
(c) In calendar year 2022, by one and three quarters per	144
cent;	145
(d) In calendar year 2023, by one and three quarters per	146
cent;	147
(e) In calendar year 2024, by one and three quarters per	148
cent;	149
(f) In calendar year 2025, by one and three quarters per	150
cent;	151
(g) In calendar year 2026, by one and three quarters per	152
cent;	153
(h) In calendar year 2027, by one and three quarters per	154
cent;	155
(i) In calendar year 2028, by one and three quarters per	156
cent.	157
(C) (B) As used in this section, "finance:	158
(1) "Finance committee" means the finance committee of the	159
senate and the finance committee of the house of	160
representatives.	161
(2) "Statewide median household income" means the Ohio	162
statewide median household income set forth in the most recently	163
published version of United States census bureau table B19013,	164
or its successor, as of the last day of December, to be used the	165

following calendar year. 166

Sec. 141.04. (A) The annual salaries of the chief justice 167
of the supreme court and of the justices and judges named in 168
this section payable from the state treasury are as follows: 169

(1) For the chief justice of the supreme court, the 170
following amounts effective in the following years: 171

(a) Beginning January 1, 2018, one hundred seventy-four 172
thousand seven hundred dollars; 173

(b) Beginning January 1, 2019, one hundred eighty-three 174
thousand four hundred fifty dollars; 175

(c) Beginning January 1, 2020, and in each calendar year 176
thereafter through calendar year 2028 beginning on the first day 177
of January, the annual compensation amount shall be increased by 178
one and three-quarters per cent. 179

(2) For the justices of the supreme court, the following 180
amounts effective in the following years: 181

(a) Beginning January 1, 2018, one hundred sixty-four 182
thousand dollars; 183

(b) Beginning January 1, 2019, one hundred seventy-two 184
thousand two hundred dollars; 185

(c) Beginning January 1, 2020, and in each calendar year 186
thereafter through calendar year 2028 beginning on the first day 187
of January, the annual compensation amount shall be increased by 188
one and three-quarters per cent. 189

(3) For the judges of the courts of appeals, the following 190
amounts effective in the following years: 191

(a) Beginning January 1, 2018, one hundred fifty-two 192

thousand eight hundred fifty dollars;	193
(b) Beginning January 1, 2019, one hundred sixty thousand	194
five hundred dollars;	195
(c) Beginning January 1, 2020, and in each calendar year	196
thereafter through calendar year 2028 beginning on the first day	197
of January, the annual compensation amount shall be increased by	198
one and three-quarters per cent.	199
(4) For the judges of the courts of common pleas, the	200
following amounts effective in the following years, reduced by	201
an amount equal to the annual compensation paid to that judge	202
from the county treasury pursuant to section 141.05 of the	203
Revised Code:	204
(a) Beginning January 1, 2018, one hundred forty thousand	205
five hundred fifty dollars;	206
(b) Beginning January 1, 2019, one hundred forty-seven	207
thousand six hundred dollars;	208
(c) Beginning January 1, 2020, and in each calendar year	209
thereafter through calendar year 2028 beginning on the first day	210
of January, the annual compensation amount shall be increased by	211
one and three-quarters per cent.	212
(5) For the full-time judges of a municipal court or the	213
part-time judges of a municipal court of a territory having a	214
population of more than fifty thousand, the following amounts	215
effective in the following years, reduced by an amount equal to	216
the annual compensation paid to that judge pursuant to division	217
(B) (1) (a) of section 1901.11 of the Revised Code from municipal	218
corporations and counties:	219
(a) Beginning January 1, 2018, one hundred thirty-two	220

thousand one hundred fifty dollars;	221
(b) Beginning January 1, 2019, one hundred thirty-eight	222
thousand eight hundred dollars;	223
(c) Beginning January 1, 2020, and in each calendar year	224
thereafter through calendar year 2028 beginning on the first day	225
of January, the annual compensation amount shall be increased by	226
one and three-quarters per cent.	227
(6) For judges of a municipal court designated as part-	228
time judges by section 1901.08 of the Revised Code, other than	229
part-time judges to whom division (A) (5) of this section	230
applies, and for judges of a county court, the following amounts	231
effective in the following years, reduced by an amount equal to	232
the annual compensation paid to that judge pursuant to division	233
(A) of section 1901.11 of the Revised Code from municipal	234
corporations and counties or pursuant to division (A) of section	235
1907.16 of the Revised Code from counties:	236
(a) Beginning January 1, 2018, seventy-six thousand fifty	237
dollars;	238
(b) Beginning January 1, 2019, seventy-nine thousand nine	239
hundred dollars;	240
(c) Beginning January 1, 2020, and in each calendar year	241
thereafter through calendar year 2028 beginning on the first day	242
of January, the annual compensation amount shall be increased by	243
one and three-quarters per cent.	244
(B) Except as provided in sections 1901.122 and 1901.123	245
of the Revised Code, except as otherwise provided in this	246
division, and except for the compensation to which the judges	247
described in division (A) (5) of this section are entitled	248
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of	249

the Revised Code, the annual salary of the chief justice of the 250
supreme court and of each justice or judge listed in division 251
(A) of this section shall be paid in equal monthly installments 252
from the state treasury. If the chief justice of the supreme 253
court or any justice or judge listed in division (A) (2), (3), or 254
(4) of this section delivers a written request to be paid 255
biweekly to the administrative director of the supreme court 256
prior to the first day of January of any year, the annual salary 257
of the chief justice or the justice or judge that is listed in 258
division (A) (2), (3), or (4) of this section shall be paid, 259
during the year immediately following the year in which the 260
request is delivered to the administrative director of the 261
supreme court, biweekly from the state treasury. 262

(C) Upon the death of the chief justice or a justice of 263
the supreme court during that person's term of office, an amount 264
shall be paid in accordance with section 2113.04 of the Revised 265
Code, or to that person's estate. The amount shall equal the 266
amount of the salary that the chief justice or justice would 267
have received during the remainder of the unexpired term or an 268
amount equal to the salary of office for two years, whichever is 269
less. 270

(D) Neither the chief justice of the supreme court nor any 271
justice or judge of the supreme court, the court of appeals, the 272
court of common pleas, or the probate court shall hold any other 273
office of trust or profit under the authority of this state or 274
the United States. 275

(E) In addition to the salaries payable pursuant to this 276
section, the chief justice of the supreme court and the justices 277
of the supreme court shall be entitled to a vehicle allowance of 278
five hundred dollars per month, payable from the state treasury. 279

The allowance shall be increased on the first day of January of 280
each odd-numbered year by an amount equal to the percentage 281
increase, if any, in the consumer price index for the 282
immediately preceding twenty-four month period for which 283
information is available. 284

(F) As used in this section: 285

(1) "Consumer price index" ~~has the same meaning as in~~ 286
~~section 101.27 of the Revised Code~~means the consumer price index 287
prepared by the United States bureau of labor statistics (U.S. 288
city average for urban wage earners and clerical workers: all 289
items, 1982-1984=100), or, if that index is no longer published, 290
a generally available comparable index. 291

(2) "Salary" does not include any portion of the cost, 292
premium, or charge for health, medical, hospital, dental, or 293
surgical benefits, or any combination of those benefits, 294
covering the chief justice of the supreme court or a justice or 295
judge named in this section and paid on the chief justice's or 296
the justice's or judge's behalf by a governmental entity. 297

Sec. 4928.64. (A) (1) As used in this section, "qualifying 298
renewable energy resource" means a renewable energy resource, as 299
defined in section 4928.01 of the Revised Code that: 300

(a) Has a placed-in-service date on or after January 1, 301
1998; 302

(b) Is any run-of-the-river hydroelectric facility that 303
has an in-service date on or after January 1, 1980; 304

(c) Is a small hydroelectric facility; 305

(d) Is created on or after January 1, 1998, by the 306
modification or retrofit of any facility placed in service prior 307

to January 1, 1998; or 308

(e) Is a mercantile customer-sited renewable energy 309
resource, whether new or existing, that the mercantile customer 310
commits for integration into the electric distribution utility's 311
demand-response, energy efficiency, or peak demand reduction 312
programs as provided under division (A) (2) (c) of section 4928.66 313
of the Revised Code, including, but not limited to, any of the 314
following: 315

(i) A resource that has the effect of improving the 316
relationship between real and reactive power; 317

(ii) A resource that makes efficient use of waste heat or 318
other thermal capabilities owned or controlled by a mercantile 319
customer; 320

(iii) Storage technology that allows a mercantile customer 321
more flexibility to modify its demand or load and usage 322
characteristics; 323

(iv) Electric generation equipment owned or controlled by 324
a mercantile customer that uses a renewable energy resource. 325

(2) For the purpose of this section and as it considers 326
appropriate, the public utilities commission may classify any 327
new technology as such a qualifying renewable energy resource. 328

(B) (1) By the end of 2026, an electric distribution 329
utility shall have provided from qualifying renewable energy 330
resources, including, at its discretion, qualifying renewable 331
energy resources obtained pursuant to an electricity supply 332
contract, a portion of the electricity supply required for its 333
standard service offer under section 4928.141 of the Revised 334
Code, and an electric services company shall have provided a 335
portion of its electricity supply for retail consumers in this 336

state from qualifying renewable energy resources, including, at 337
its discretion, qualifying renewable energy resources obtained 338
pursuant to an electricity supply contract. That portion shall 339
equal eight and one-half per cent of the total number of 340
kilowatt hours of electricity sold by the subject utility or 341
company to any and all retail electric consumers whose electric 342
load centers are served by that utility and are located within 343
the utility's certified territory or, in the case of an electric 344
services company, are served by the company and are located 345
within this state. However, nothing in this section precludes a 346
utility or company from providing a greater percentage. 347

(2) Subject to section 4928.642 of the Revised Code, the 348
portion required under division (B)(1) of this section shall be 349
generated from renewable energy resources in accordance with the 350
following benchmarks: 351

352

	1	2	3
A	By end of year	Renewable energy resources	Solar energy resources
B	2009	0.25%	0.004%
C	2010	0.50%	0.010%
D	2011	1%	0.030%
E	2012	1.5%	0.060%
F	2013	2%	0.090%
G	2014	2.5%	0.12%

H	2015	2.5%	0.12%
I	2016	2.5%	0.12%
J	2017	3.5%	0.15%
K	2018	4.5%	0.18%
L	2019	5.5%	0.22%
M	2020	5.5%	0%
N	2021	6%	0%
O	2022	6.5%	0%
P	2023	7%	0%
Q	2024	7.5%	0%
R	2025	8%	0%
S	2026	8.5%	0%

(3) The qualifying renewable energy resources implemented 353
by the utility or company shall be met either: 354

(a) Through facilities located in this state; or 355

(b) With resources that can be shown to be deliverable 356
into this state. 357

(C) (1) The commission annually shall review an electric 358
distribution utility's or electric services company's compliance 359
with the most recent applicable benchmark under division (B) (2) 360
of this section and, in the course of that review, shall 361

identify any undercompliance or noncompliance of the utility or 362
company that it determines is weather-related, related to 363
equipment or resource shortages for qualifying renewable energy 364
resources as applicable, or is otherwise outside the utility's 365
or company's control. 366

(2) Subject to the cost cap provisions of division (C) (3) 367
of this section, if the commission determines, after notice and 368
opportunity for hearing, and based upon its findings in that 369
review regarding avoidable undercompliance or noncompliance, but 370
subject to division (C) (4) of this section, that the utility or 371
company has failed to comply with any such benchmark, the 372
commission shall impose a renewable energy compliance payment on 373
the utility or company. 374

(a) The compliance payment pertaining to the solar energy 375
resource benchmarks under division (B) (2) of this section shall 376
be an amount per megawatt hour of undercompliance or 377
noncompliance in the period under review, as follows: 378

(i) Three hundred dollars for 2014, 2015, and 2016; 379

(ii) Two hundred fifty dollars for 2017 and 2018; 380

(iii) Two hundred dollars for 2019. 381

(b) The compliance payment pertaining to the renewable 382
energy resource benchmarks under division (B) (2) of this section 383
shall equal the number of additional renewable energy credits 384
that the electric distribution utility or electric services 385
company would have needed to comply with the applicable 386
benchmark in the period under review times an amount that shall 387
begin at forty-five dollars and shall be adjusted annually by 388
the commission to reflect any change in the consumer price index 389
as defined in section ~~101.27~~141.04 of the Revised Code, but 390

shall not be less than forty-five dollars. 391

(c) The compliance payment shall not be passed through by 392
the electric distribution utility or electric services company 393
to consumers. The compliance payment shall be remitted to the 394
commission, for deposit to the credit of the advanced energy 395
fund created under section 4928.61 of the Revised Code. Payment 396
of the compliance payment shall be subject to such collection 397
and enforcement procedures as apply to the collection of a 398
forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the 399
Revised Code. 400

(3) An electric distribution utility or an electric 401
services company need not comply with a benchmark under division 402
(B) (2) of this section to the extent that its reasonably 403
expected cost of that compliance exceeds its reasonably expected 404
cost of otherwise producing or acquiring the requisite 405
electricity by three per cent or more. The cost of compliance 406
shall be calculated as though any exemption from taxes and 407
assessments had not been granted under section 5727.75 of the 408
Revised Code. 409

(4) (a) An electric distribution utility or electric 410
services company may request the commission to make a force 411
majeure determination pursuant to this division regarding all or 412
part of the utility's or company's compliance with any minimum 413
benchmark under division (B) (2) of this section during the 414
period of review occurring pursuant to division (C) (2) of this 415
section. The commission may require the electric distribution 416
utility or electric services company to make solicitations for 417
renewable energy resource credits as part of its default service 418
before the utility's or company's request of force majeure under 419
this division can be made. 420

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

(c) If, pursuant to division (C) (4) (b) of this section, the commission determines that qualifying renewable energy or solar energy resources are not reasonably available to permit the electric distribution utility or electric services company to comply, during the period of review, with the subject minimum benchmark prescribed under division (B) (2) of this section, the commission shall modify that compliance obligation of the utility or company as it determines appropriate to accommodate the finding. Commission modification shall not automatically reduce the obligation for the electric distribution utility's or electric services company's compliance in subsequent years. If it modifies the electric distribution utility or electric

services company obligation under division (C) (4) (c) of this 452
section, the commission may require the utility or company, if 453
sufficient renewable energy resource credits exist in the 454
marketplace, to acquire additional renewable energy resource 455
credits in subsequent years equivalent to the utility's or 456
company's modified obligation under division (C) (4) (c) of this 457
section. 458

(5) The commission shall establish a process to provide 459
for at least an annual review of the renewable energy resource 460
market in this state and in the service territories of the 461
regional transmission organizations that manage transmission 462
systems located in this state. The commission shall use the 463
results of this study to identify any needed changes to the 464
amount of the renewable energy compliance payment specified 465
under divisions (C) (2) (a) and (b) of this section. Specifically, 466
the commission may increase the amount to ensure that payment of 467
compliance payments is not used to achieve compliance with this 468
section in lieu of actually acquiring or realizing energy 469
derived from qualifying renewable energy resources. However, if 470
the commission finds that the amount of the compliance payment 471
should be otherwise changed, the commission shall present this 472
finding to the general assembly for legislative enactment. 473

(D) The commission annually shall submit to the general 474
assembly in accordance with section 101.68 of the Revised Code a 475
report describing all of the following: 476

(1) The compliance of electric distribution utilities and 477
electric services companies with division (B) of this section; 478

(2) The average annual cost of renewable energy credits 479
purchased by utilities and companies for the year covered in the 480
report; 481

(3) Any strategy for utility and company compliance or for 482
encouraging the use of qualifying renewable energy resources in 483
supplying this state's electricity needs in a manner that 484
considers available technology, costs, job creation, and 485
economic impacts. 486

The commission shall begin providing the information 487
described in division (D) (2) of this section in each report 488
submitted after September 10, 2012. The commission shall allow 489
and consider public comments on the report prior to its 490
submission to the general assembly. Nothing in the report shall 491
be binding on any person, including any utility or company for 492
the purpose of its compliance with any benchmark under division 493
(B) of this section, or the enforcement of that provision under 494
division (C) of this section. 495

(E) All costs incurred by an electric distribution utility 496
in complying with the requirements of this section shall be 497
bypassable by any consumer that has exercised choice of supplier 498
under section 4928.03 of the Revised Code. 499

Section 2. That existing sections 101.27, 141.04, and 500
4928.64 of the Revised Code are hereby repealed. 501

Section 3. This act shall be known as the "Average Wage 502
Fully Uniform Law (AWFUL)." 503