



Ohio Legislative Service Commission

Bill Analysis

Phil Mullin

H.B. 210

128th General Assembly
(As Introduced)

Reps. Morgan and Boose, J. Adams, R. Adams, Blair, Bubb, Burke, Derickson, Dolan, Grossman, Hackett, Hall, Harwood, Hite, Huffman, Jones, Jordan, Lehner, Maag, Mandel, Martin, McClain, McGregor, Oelslager, Ruhl, Sears, Snitchler, Stebelton, Uecker, Wachtmann, Wagner, Zehringer

BILL SUMMARY

- Decreases by 5% the salaries of General Assembly officers and members and the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General until certain increases occur in the gross domestic product of Ohio.

CONTENT AND OPERATION

The bill provides that beginning on the bill's effective date and subject to the applicable constitutional prohibitions against changing salaries during an officer's term (see **COMMENT**), the salaries of the officers and members of the General Assembly, and the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General, must be decreased by 5%. This decrease, however, applies only until the gross domestic product of Ohio increases by not less than 2.5% per calendar year for two out of three consecutive calendar years as indicated in calculations made by the Legislative Service Commission (R.C. 101.273 and 141.012).

The bill requires the Legislative Service Commission, not later than June 1 of each odd-numbered year, to calculate and publish the increase or decrease in the gross domestic product of Ohio in chained 2000 dollars for the two-year period ending on the immediately preceding December 31. ("Chained dollars" adjust for inflation.) The Commission also must calculate and publish the increase or decrease for each calendar year of the two-year period. (R.C. 103.30.)

COMMENT

Article II, Section 31 and Article III, Section 19 of the Ohio Constitution prohibit any change in compensation from taking effect during the existing terms of office of the officers and members of the General Assembly and the Governor, Lieutenant Governor, Auditor of State, Secretary of State, Treasurer of State, and Attorney General. Court decisions have interpreted similar restrictions contained in the Ohio Constitution against changing the salaries of public officers to mean that an officer's salary can be increased or decreased during a specific term of office only by an act of the General Assembly that took effect before that term of office began. See *State ex rel. Mack v. Guckenberger* (1942), 139 Ohio St. 273. Thus, the 5% reduction the bill mandates would only affect the salaries of elected officers whose terms of office begin after the bill's effective date.

HISTORY

ACTION	DATE
Introduced	06-09-09

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