



Diana Fox

Final Analysis
Legislative Service Commission

Am. Sub. S.B. 187
124th General Assembly
(As Passed by the General Assembly)

Sens. Nein, Randy Gardner, DiDonato, Brady, Prentiss, Herington, Robert Gardner, Harris, Mumper, Ryan, Blessing, Espy, Spada

Reps. Callender, Calvert, Carano, Webster, Hartnett, Setzer, Barrett, Hoops, Roman, Schmidt, Coates, R. Miller, Ogg, Jolivette, Allen, Sulzer, Otterman, Patton, S. Smith, Seitz, Sykes, Niehaus, Metzger, Key, DeBose, Woodard, Beatty, Oakar, Olman, D. Miller, Perry, Redfern, Britton, Brown, Clancy, Husted

Effective date: September 20, 2002

ACT SUMMARY

- Increases the maximum allowable compensation for members of school district boards of education and educational service center governing boards to \$125 per meeting.
- Allows members of school district boards and educational service center governing boards to receive compensation up to specified limits for attendance at a training program.
- Increases to \$75 per meeting the maximum amount of compensation that a board member of a joint ambulance district may be paid each year.

CONTENT AND OPERATION

Compensation for school district board members

Under continuing law, the board of education of a city, local, exempted village, or joint vocational school district or the governing board of an educational service center may adopt a resolution to provide compensation for its members. Currently, that compensation cannot exceed \$80 for each meeting a member

attends.¹ The act increases the maximum compensation district boards and educational service center governing boards may pay their members to \$125 per meeting attended. If, however, a district board or a governing board votes to raise its members' compensation, an individual member cannot receive the higher pay until he or she begins a new term on the board (see **COMMENT**).

In addition, the act allows district boards and educational service center governing boards to compensate their members for attendance at approved training programs.² Each board may set its own rate of compensation within the limits established by the act. Under the act, the maximum reimbursement a member may receive for attendance at a training program is \$60 per day if the program is three hours or less in length or \$125 per day if the program is longer than three hours. (Secs. 3311.19 and 3313.12.)

Compensation of joint ambulance board members

Under current law, townships and municipal corporations may create joint ambulance districts. The governing body of a district is a board of trustees that must include one representative appointed by each board of township trustees and one representative appointed by the legislative authority of each municipal corporation in the district. Members of the board of trustees may be compensated at a rate of up to \$20 per meeting for up to 12 meetings per year, plus reimbursement for necessary expenses. The act increases the "per meeting" maximum compensation from \$20 to \$75 and increases the number of meetings for which compensation may be paid annually from 12 to 15 (sec. 505.71).

COMMENT

Article II, § 20 of the Ohio Constitution provides that the General Assembly "shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term." According to an Ohio Attorney General opinion, school board members are public "officers" and, thus, they are subject to the constitutional limitations on changes in

¹ *Members of an educational service center governing board may also be reimbursed for the cost of travelling to and from meetings at a mileage rate determined by the governing board (sec. 3313.12).*

² *Under continuing law, school district boards and educational service center governing boards may by resolution set aside each year from the general fund \$2 per pupil or \$20,000, whichever is greater. This set aside amount must be placed in the "service fund" which may be used only to pay the expenses of board members incurred in the performance of their duties. (Sec. 3315.15, not in the act.)*

compensation (Ohio Op. Atty. Gen. No. 80-050 (1980)). Consequently, a school district board or the governing board of an educational service center may pass a resolution at any time to increase (or decrease) its members' compensation, but all sitting members must continue to be paid at the rate in effect prior to passage of the resolution for the remainder of their current terms. However, if a member serves a subsequent term, that member must receive the new level of compensation beginning the first day of the subsequent term.

Because members' terms are staggered, the effect of this constitutional provision is that some members of the board may receive more (or less) compensation than other members of the same board. The different levels of compensation will continue until all members who voted to increase compensation are either reelected or replaced by a new member.

The board may not authorize the payment of retroactive compensation for a reelected member.

With respect to members of a joint ambulance board it is not as clear whether the members would be classified as "officers" because no cases or Attorney General opinions have been located that are directly on point. However, there are several Attorney General opinions that are relevant. For example, a 2000 Attorney General opinion determined that township trustees, who appoint the members of a joint ambulance board, are "officers" for purposes of art. II, § 20 of the Ohio Constitution (Ohio Op. Atty. Gen. No. 2000-043). In a later opinion, the Attorney General determined that members of a county veterans service commission, who are appointed as members, are "officers" even though the board of county commissioners votes on a pay increase for members of a county veterans service commission (Ohio Op. Atty. Gen. No. 2001-038). Thus, it is possible that members of a joint ambulance board would also be considered "officers" and thus be subject to the same restrictions on receiving the benefits of a pay increase, as discussed above.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-30-01	p. 1020
Reported, S. Education	01-23-02	p. 1343
Passed Senate (33-0)	01-23-02	pp. 1352-1353
Reported, H. Education	03-13-02	pp. 1546-1547
Passed House (89-6)	05-14-02	pp. 1748-1751
Senate refused to concur in House amendments (31-0)	05-21-02	pp. 1786-1787



House requested conference committee	05-24-02	p.	1812
Senate acceded to request for conference committee	05-28-02	p.	1836
House agreed to conference committee report (92-1)	05-30-02	pp.	1885-1886
Senate agreed to conference committee report (33-0)	05-30-02	pp.	1872-1873

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