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Bill Analysis
Legislative Service Commission

H.B. 79

125th General Assembly
(As Introduced)

Reps. Seaver, Aslanides, Boccieri, Book, Driehaus, Faber, Flowers, Grendell, Wagner, Wilson, Young

BILL SUMMARY

- Eliminates the cost of living adjustments scheduled to be made in calendar years 2005 through 2008 to the compensation of members and officers of the General Assembly and sets the compensation for the year 2005 and thereafter at the 2004 compensation.

CONTENT AND OPERATION

Current law

Current law provides that in each calendar year from 2002 through 2008, the annual salaries that the officers and members of the General Assembly were receiving in calendar year 2001 must be increased by the lesser of either (1) three percent or (2) the percentage increase, if any, in the Consumer Price Index (see **COMMENT 1**) over the 12-month period that ends on September 30 of the immediately preceding year, rounded to the nearest one-tenth of one percent. This adjustment does not apply to the additional amounts that officers and members receive for holding the position of chairperson, vice-chairperson, or ranking minority member of a standing committee or subcommittee. (Sec. 101.27(B).)

Changes proposed by the bill

Under the bill, the provision of existing law described in the immediately preceding paragraph applies only during calendar years 2002 through 2004 and, during calendar year 2005 and thereafter, the salaries of officers and members of the General Assembly must equal the salary of the officers and members calculated for calendar year 2004 (see **COMMENT 2**) (sec. 101.27(B) and (C)).

COMMENT

1. Existing law defines "Consumer Price Index" to mean 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 comparative index.

2. Article II, Section 31 of the Ohio Constitution prohibits any change in the compensation of a member or officer of the General Assembly from taking effect during the officer's or member's term of office. Court decisions have interpreted similar provisions in the Ohio Constitution to mean that a public officer's salary cannot be affected during the officer's term by any act of the General Assembly that takes effect after the officer's term of office commenced. Thus, it appears that the cost of living adjustments that the bill eliminates will continue to be paid in 2005 and 2006 to those senators whose four-year terms commenced on January 1, 2003, because their salary cannot be affected by an act that takes effect after their terms commenced.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-25-03	p. 167

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