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## MISCELLANEOUS

### Public official compensation

- Increases and extends pay raises for justices and judges, county officials, township officials, and members of county boards of elections, from 1.75% per year through 2028 under current law to 5% per year through 2029.
- Pays elected municipal court clerks under the schedule for clerks of common pleas courts, according to the population of the court, beginning when a new term begins.

### Agency notices

- Requires state agencies to inform the Senate President and House Speaker about federal funding reduction notices.
- Requires state agencies to inform the Senate President and House Speaker about federal noncompliance notices.

### Public employee leave to serve as election official

- Corrects erroneous cross references in statute governing paid leave for state and local public employees who volunteer as precinct election officials.

### Occupational licensing board composition

- Requires the standing committees that review occupational licensing boards under continuing law to consider whether the number of board members is appropriate based on the board's workload and the number of occupational licenses issued by the board.
- Requires the standing committees to attempt to ensure that each board it reviews consists of not fewer than five members and not more than nine members.

### Terms of public library boards of trustees

- Reduces from seven to four years the terms of office of board of trustee members of a school district free public library, county library district, or regional library district appointed after the bill's effective date.

### Materials in a public library

- Requires a public library to place material related to sexual orientation or gender identity or expression in a portion of the library that is not primarily open to the view of a person under 18 years old.

### Sex recognition

- Establishes state policy recognizing only two sexes, male and female, which are not changeable and are grounded in fundamental and incontrovertible reality.

## **Menstrual products in public buildings**

- Prohibits a government entity from placing menstrual products in the men's restroom of a public building.

## **Unlawfully extracting or exploiting minerals of another**

- Establishes mechanisms for the determination of damages that result from a person trespassing on the land of another and unlawfully extracting or exploiting minerals.

## **Public employee leave to serve as election official**

- Corrects erroneous cross references in statute governing paid leave for state and local public employees who volunteer as precinct election officials.

## **Public official compensation**

(R.C. 141.04, 325.18, 505.24, 507.09, 1901.31, and 3501.12; Sections 701.70 and 719.10)

### **Pay raises for justices, judges, and local officials**

The bill increases the salaries of the following public officials:

- Justices and judges, including: Supreme Court, courts of appeals, courts of common pleas, municipal courts, and county courts;
- County elected officials, including: commissioners, prosecutor (with and without private practice), sheriff, clerk of court of common pleas, recorder, coroner (with and without private practice), engineer (with and without private practice), treasurer, and auditor;
- Township elected officials, including: trustees and fiscal officer; and
- County board of elections members.

Under current law, the above receive 1.75% annual increases through 2028. The bill instead gives the officials annual 5% raises through 2029. The Ohio Constitution generally prohibits in-term changes in compensation for elected officers, except members of boards of elections may receive in-term changes and judges may receive in-term *increases* only (but not decreases).<sup>209</sup> Therefore, the changes the bill implements take effect for an officer only once the officer begins a new term.

### **Elected municipal court clerks**

The bill also modifies the pay of elected municipal court clerks, who currently receive a salary equal to 75% of the judge's salary. Under the bill, elected municipal court clerks are paid under the schedule for clerks of common pleas courts, according to the population of the court

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<sup>209</sup> Ohio Const., art. II, sec. 20 (all officers not otherwise provided for in the Constitution) and art. IV, sec. 6 (judges). See 1997 Ohio Attorney General Opinion 1997-027 regarding members of boards of elections.

(the schedule uses the population of the county for common pleas clerks). The new salary calculation will begin when an elected municipal court clerk begins a new term.

## **Agency notices**

(R.C. 121.16)

The bill requires state agencies to inform the Senate President and House Speaker about both of the following:

- A notice the state agency received from the federal government that a state program is or may be out of compliance with federal requirements.
- A notice the state agency received from the federal government about a reduction or other modification to federal funding a state agency receives.

The agency must submit a copy of the notice not later than ten days after receiving it.

## **Occupational licensing board composition**

(R.C. 101.63 and 101.65)

The bill requires the standing committees that review occupational licensing boards under continuing law to consider whether the number of board members is appropriate based on the board's workload and the number of occupational licenses issued by the board. The standing committees must attempt to ensure that each board it reviews consists of not fewer than five members and not more than nine members.

Under continuing law, standing committees of the House and Senate must review  $\frac{1}{3}$  of the state's occupational licensing boards in each biennium. All occupational licensing boards must be reviewed at least once every six years.<sup>210</sup>

## **Terms of public library boards of trustees**

(R.C. 3375.15, 3375.22, and 3375.30)

The bill reduces from seven to four years the terms of office of board of trustee members of a school district free public library, county library district, or regional library district appointed after the bill's effective date.

Current law staggers the terms of the first appointment of members by appointing authority. The bill changes those terms for first appointments after the bill's effective date as follows:

1. The terms of the three trustees appointed by court of common pleas judges to expire in two, three, and four years respectively, instead of two, four, and six years as under current law; and

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<sup>210</sup> R.C. 101.62, not in the bill.

2. The terms of the four trustees appointed by the board of county commissioners to expire in one, two, three, and four years respectively, instead of one, three, five, and seven years as under current law.

## **Materials in a public library**

(R.C. 3375.47)

The bill requires a public library to place material related to sexual orientation or gender identity or expression in a portion of the library that is not primarily open to the view of a person under 18 years old.

## **Sex recognition**

(R.C. 9.05)

The bill establishes that state policy recognizes two sexes, male and female, which are not changeable and are grounded in fundamental and incontrovertible reality. The bill also establishes the following definitions for terms used in the Revised Code which, except for the definition of “sex,” are the same as definitions used in a recent Executive Order issued by President Trump:<sup>211</sup>

- “Sex” means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual’s psychological, chosen, or subjective experience of gender.<sup>212</sup>
- “Gender identity” means an individual’s internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.
- “Female” means a person belonging, at conception, to the sex that produces the large reproductive cell.
- “Woman” means an adult human female.
- “Girl” means a juvenile human female.
- “Male” means an individual belonging, at conception, to the sex that produces the small reproductive cell.
- “Man” means an adult human male.
- “Boy” means a juvenile human male.

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<sup>211</sup> Presidential Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” (January 20, 2025).

<sup>212</sup> This definition of sex is the same as in R.C. 3129.01, not in the bill.

## Menstrual products in public buildings

(R.C. 9.561)

The bill prohibits a government entity from placing menstrual products in the men's restroom of any building owned or occupied by a government entity. The bill does not include a penalty for violating this prohibition. For purposes of the prohibition, a "government entity" means a state agency, public institution, political subdivision, or any other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government.

Because the bill applies to municipalities and charter counties and prohibits them from taking an action on their property, a question might arise regarding the Home Rule Amendment to the Ohio Constitution. The Ohio Constitution grants municipalities and charter counties home rule authority, which includes the power of local self-government and the exercise of certain police powers.<sup>213</sup> There does not appear to be any case law regarding a situation like the bill's prohibition.

## Unlawfully extracting or exploiting minerals of another

(R.C. 5303.34)

The bill establishes mechanisms for the determination of damages that result from a person trespassing on the land of another and unlawfully extracting or exploiting minerals as follows:

Damages for unlawfully extracting or exploiting minerals of another		
Type of extraction	Damages when extracted or exploited absent bad faith	Damages when extracted or exploited in bad faith
Minerals, such as coal, stone, or ore, that are extracted by underground or surface mining methods	The revenue received from the sale of the minerals measured at the mouth of the mine, less the cost of extraction, less any sums previously paid	No reduction for the cost of extraction is allowed, and the damaged party is entitled to the full revenue received from the sale of the minerals measured at the mouth of the mine less any sums previously paid
Minerals, such as hydrocarbons, in liquid or gaseous states that are extracted by drilling	The revenue received from the sale of such minerals measured at the wellhead, less the cost of extraction, less any sums previously paid	No reduction for the cost of extraction is allowed, and the damaged party is entitled to the full revenue received from the sale of the minerals measured at the wellhead less any sums previously paid

<sup>213</sup> Ohio Const., art. X, sec. 3 and art. XVIII, sec. 3.

The bill specifies that a person acts in bad faith when the person commits a trespass with either of the following:

1. Actual knowledge that the entry onto, and the extraction of minerals from, the property was unlawful; or
2. Willful or wanton disregard for the lawful property or mineral rights of another person and with the intent of depriving the lawful owner of the owner's minerals.

A court cannot presume bad faith and bad faith does not include an entry onto property based on a reasonable belief that such entry, or the extraction occurring after such entry, was lawful.

The bill also specifies that a damaged party is prohibited from receiving punitive damages