

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 649**

**Representative Becker**

**Cosponsors: Representatives Henne, Lang, Butler, Vitale, Keller, Dean**

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**A BILL**

To amend sections 101.27, 141.011, 141.04, and 1  
4928.64 of the Revised Code to enact the 2  
"Average Wage Fully Uniform Law (AWFUL)" to set 3  
the baseline compensation for General Assembly 4  
members equal to Ohio's median household income. 5

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

**Section 1.** That sections 101.27, 141.011, 141.04, and 6  
4928.64 of the Revised Code be amended to read as follows: 7

**Sec. 101.27.** (A) (1) Every member of the senate, except the 8  
members elected president, president pro tempore, assistant 9  
president pro tempore, majority whip, minority leader, assistant 10  
minority leader, minority whip, and assistant minority whip, 11  
shall receive as compensation a salary ~~of fifty-one thousand six~~ 12  
~~hundred seventy-four dollars a~~ equal to the statewide median 13  
household income per year during the senator's term of office. 14  
Every member of the house of representatives, except the members 15  
elected speaker, speaker pro tempore, majority floor leader, 16  
assistant majority floor leader, majority whip, assistant 17  
majority whip, minority leader, assistant minority leader, 18

minority whip, and assistant minority whip, shall receive as 19  
compensation a salary ~~of fifty one thousand six hundred seventy-~~ 20  
~~four dollars a~~ equal to the statewide median household income 21  
per year during the representative's term of office. Such 22  
salaries shall be paid in equal monthly installments during such 23  
term. All monthly payments shall be made on or before the fifth 24  
day of each month. Upon the death of any member of the general 25  
assembly during the member's term of office, any unpaid salary 26  
due such member for the remainder of the member's term shall be 27  
paid to the member's surviving spouse, children, mother, or 28  
father, in the order in which the relationship is set forth in 29  
this section in monthly 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 eighty thousand five-~~ 43  
~~hundred forty nine dollars a~~ equal to one hundred fifty-six per 44  
cent of the statewide median household income per year during 45  
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 seventy-~~ 51  
~~three thousand four hundred ninety-three dollars a~~ equal to one 52  
hundred forty-two per cent of the statewide median household 53  
income per year during the member's term of office. The member 54  
of the house of representatives elected majority floor leader 55  
and the member of the senate elected assistant president pro 56  
tempore shall each receive as compensation a salary ~~of sixty-~~ 57  
~~nine thousand two hundred twenty-seven dollars a~~ equal to one 58  
hundred thirty-four per cent of the statewide median household 59  
income per year during the member's term of office. The member 60  
of the senate elected assistant minority leader and the member 61  
of the house of representatives elected assistant minority 62  
leader shall each receive as compensation a salary ~~of sixty-~~ 63  
~~seven thousand ninety-nine dollars a~~ equal to one hundred thirty 64  
per cent of the statewide median household income per year 65  
during the member's term of office. The member of the senate 66  
elected majority whip and the member of the house of 67  
representatives elected assistant majority floor leader shall 68  
each receive a salary ~~of sixty-four thousand nine hundred sixty-~~ 69  
~~seven dollars a~~ equal to one hundred twenty-six per cent of the 70  
statewide median household income per year during the member's 71  
term of office. The member of the senate elected minority whip, 72  
the member of the house of representatives elected majority 73  
whip, and the member of the house of representatives elected 74  
minority whip shall each receive as compensation a salary ~~of-~~ 75  
~~sixty thousand seven hundred six dollars a~~ equal to one hundred 76  
seventeen per cent of the statewide median household income per 77  
year during the member's term of office. The member of the house 78  
of representatives elected assistant majority whip shall receive 79  
as compensation a salary ~~of fifty-six thousand four hundred-~~ 80

~~forty three dollars a equal to one hundred nine per cent of the~~ 81  
~~statewide median household income per year~~ during the member's 82  
term of office. The member of the house of representatives 83  
elected assistant minority whip and the member of the senate 84  
elected assistant minority whip shall each receive a salary ~~of~~ 85  
~~fifty four thousand sixty dollars a equal to one hundred five~~ 86  
~~per cent of the statewide median household income per year~~ 87  
during the member's term of office. 88

(4) The chairperson of the finance committee of each house 89  
shall receive an additional sum ~~of ten thousand dollars annually~~ 90  
~~equal to seventeen per cent of the statewide median household~~ 91  
~~income.~~ The chairperson of each standing committee of each house 92  
other than the finance committee shall receive an additional sum 93  
~~of six thousand five hundred dollars annually equal to eleven~~ 94  
~~per cent of the statewide median household income.~~ The 95  
chairperson of each standing subcommittee of a finance committee 96  
shall receive an additional sum ~~of six thousand five hundred~~ 97  
~~dollars annually equal to eleven per cent of the statewide~~ 98  
~~median household income.~~ The vice-chairperson of the finance 99  
committee of each house shall receive an additional sum ~~of five~~ 100  
~~thousand five hundred dollars annually equal to nine per cent of~~ 101  
~~the statewide median household income.~~ The ranking minority 102  
member of the finance committee of each house shall receive an 103  
additional sum ~~of six thousand five hundred dollars annually~~ 104  
~~equal to eleven per cent of the statewide median household~~ 105  
~~income.~~ The ranking minority member of each standing 106  
subcommittee of a finance committee shall receive an additional 107  
sum ~~of five thousand dollars annually equal to eight per cent of~~ 108  
~~the statewide median household income.~~ The chairperson of each 109  
standing subcommittee of each house other than a standing 110  
subcommittee of the finance committee shall receive an 111

additional sum ~~of five thousand dollars annually equal to eight~~ 112  
~~per cent of the statewide median household income.~~ The vice- 113  
chairperson and ranking minority member of each standing 114  
committee of each house other than the finance committee shall 115  
each receive an additional sum ~~of five thousand dollars annually~~ 116  
~~equal to eight per cent of the statewide median household~~ 117  
~~income.~~ ~~Except for the ranking minority member of each standing~~ 118  
~~subcommittee of a finance committee, the~~ The ranking minority 119  
member of each standing subcommittee of each house other than a 120  
standing subcommittee of the finance committee shall receive an 121  
additional sum ~~of two thousand five hundred dollars annually~~ 122  
~~equal to four per cent of the statewide median household income.~~ 123

No member may receive more than one additional sum for 124  
serving as chairperson, vice-chairperson, or ranking minority 125  
member of a standing committee or standing subcommittee, 126  
regardless of the number of standing committees or standing 127  
subcommittees on which the member serves as chairperson, vice- 128  
chairperson, or ranking minority member. 129

(5) If a member is absent without leave, or is not excused 130  
on the member's return, there shall be deducted from the 131  
member's compensation twenty dollars for each day's absence. 132

(B) ~~Each calendar year from 2002 through 2008, the salary~~ 133  
~~amounts under divisions (A) (1) and (3) of this section shall be~~ 134  
~~increased by the lesser of the following:~~ 135

~~(1) Three per cent;~~ 136

~~(2) The percentage increase, if any, in the consumer price~~ 137  
~~index over the twelve-month period that ends on the thirtieth~~ 138  
~~day of September of the immediately preceding year, rounded to~~ 139  
~~the nearest one-tenth of one per cent.~~ 140

~~(C)~~ As used in this section: 141

(1) ~~"Consumer price index" means the consumer price index~~ 142  
~~prepared by the United States bureau of labor statistics (U.S.~~ 143  
~~city average for urban wage earners and clerical workers: all~~ 144  
~~items, 1982-1984=100), or, if that index is no longer published,~~ 145  
~~a generally available comparable index.~~ 146

~~(2)~~ "Finance committee" means the finance committee of the 147  
senate and the ~~finance appropriations~~ finance committee of the 148  
house of representatives. 149

(2) "Statewide median household income" means the 150  
statewide median household income set forth in the most recent 151  
figures from the United States census bureau available the last 152  
day of December to be used the following calendar year. 153

**Sec. 141.011.** Beginning in calendar year 2001, the annual 154  
salaries of the elective officers of the state shall be as 155  
follows rather than as prescribed by divisions (A) to (F) of 156  
section 141.01 of the Revised Code: 157

(A) (1) In calendar year 2001 the annual salary of the 158  
governor shall be one hundred twenty-six thousand four hundred 159  
ninety-seven dollars. 160

(2) In calendar years 2002 through 2006 the annual salary 161  
of the governor shall be one hundred thirty thousand two hundred 162  
ninety-two dollars. 163

(3) In calendar year 2007 the annual salary of the 164  
governor shall be the annual salary in 2006 increased by each of 165  
the following percentages in succession: 166

(a) The lesser of three per cent or the percentage 167  
increase, if any, in the consumer price index from October 1, 168

2001, to September 30, 2002, rounded to the nearest one-tenth of	169
one per cent;	170
(b) The lesser of three per cent or the percentage	171
increase, if any, in the consumer price index from October 1,	172
2002, to September 30, 2003, rounded to the nearest one-tenth of	173
one per cent;	174
(c) The lesser of three per cent or the percentage	175
increase, if any, in the consumer price index from October 1,	176
2003, to September 30, 2004, rounded to the nearest one-tenth of	177
one per cent;	178
(d) The lesser of three per cent or the percentage	179
increase, if any, in the consumer price index from October 1,	180
2004, to September 30, 2005, rounded to the nearest one-tenth of	181
one per cent;	182
(e) The lesser of three per cent or the percentage	183
increase, if any, in the consumer price index from October 1,	184
2005, to September 30, 2006, rounded to the nearest one-tenth of	185
one per cent.	186
(4) In calendar year 2008 and thereafter, the annual	187
salary of the governor shall be the annual salary in 2007	188
increased by the lesser of the following:	189
(a) Three per cent;	190
(b) The percentage increase, if any, in the consumer price	191
index from October 1, 2006, to September 30, 2007, rounded to	192
the nearest one-tenth of one per cent.	193
(B) (1) In calendar year 2001 the annual salary of the	194
lieutenant governor shall be sixty-six thousand three hundred	195
six dollars.	196

(2) In calendar years 2002 through 2006 the annual salary 197  
of the lieutenant governor shall be sixty-eight thousand two 198  
hundred ninety-five dollars. 199

(3) In calendar year 2007 the annual salary of the 200  
lieutenant governor shall be the annual salary in 2006 increased 201  
by each of the following percentages in succession: 202

(a) The lesser of three per cent or the percentage 203  
increase, if any, in the consumer price index from October 1, 204  
2001, to September 30, 2002, rounded to the nearest one-tenth of 205  
one per cent; 206

(b) The lesser of three per cent or the percentage 207  
increase, if any, in the consumer price index from October 1, 208  
2002, to September 30, 2003, rounded to the nearest one-tenth of 209  
one per cent; 210

(c) The lesser of three per cent or the percentage 211  
increase, if any, in the consumer price index from October 1, 212  
2003, to September 30, 2004, rounded to the nearest one-tenth of 213  
one per cent; 214

(d) The lesser of three per cent or the percentage 215  
increase, if any, in the consumer price index from October 1, 216  
2004, to September 30, 2005, rounded to the nearest one-tenth of 217  
one per cent; 218

(e) The lesser of three per cent or the percentage 219  
increase, if any, in the consumer price index from October 1, 220  
2005, to September 30, 2006, rounded to the nearest one-tenth of 221  
one per cent. 222

(4) In calendar year 2008 and thereafter, the annual 223  
salary of the lieutenant governor shall be the annual salary in 224  
2007 increased by the lesser of the following: 225



(a) Three per cent;	226
(b) The percentage increase, if any, in the consumer price index from October 1, 2006 to September 30, 2007, rounded to the nearest one-tenth of one per cent.	227 228 229
If the governor appoints the lieutenant governor as an administrative department head, the lieutenant governor may accept the salary for that office while serving as its head in lieu of the salary for the office of lieutenant governor.	230 231 232 233
(C) (1) In calendar year 2001 the annual salary of the secretary of state, auditor of state, treasurer of state, and attorney general shall be ninety-three thousand four hundred forty-seven dollars.	234 235 236 237
(2) In calendar year 2002 the annual salary of the secretary of state, auditor of state, treasurer of state, and attorney general shall be ninety-six thousand two hundred fifty dollars.	238 239 240 241
(3) In each calendar year from 2003 through 2008, the annual salary of the secretary of state, auditor of state, treasurer of state, and attorney general shall be increased by the lesser of the following:	242 243 244 245
(a) Three per cent;	246
(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent.	247 248 249 250
(D) Upon the death of an elected executive officer of the state listed in divisions (A) to (F) of section 141.01 of the Revised Code during that person's term of office, an amount	251 252 253

shall be paid in accordance with section 2113.04 of the Revised 254  
Code, or to that person's estate. The amount shall equal the 255  
amount of the salary that the officer would have received during 256  
the remainder of the officer's unexpired term or an amount equal 257  
to the salary of that person's office for two years, whichever 258  
is less. 259

(E) As used in this section, "consumer price index"—~~has~~ 260  
~~the same meaning as in section 101.27 of the Revised Code~~ means 261  
the consumer price index prepared by the United States bureau of 262  
labor statistics (U.S. city average for urban wage earners and 263  
clerical workers: all items, 1982-1984=100), or, if that index 264  
is no longer published, a generally available comparable index. 265

**Sec. 141.04.** (A) The annual salaries of the chief justice 266  
of the supreme court and of the justices and judges named in 267  
this section payable from the state treasury are as follows: 268

(1) For the chief justice of the supreme court, the 269  
following amounts effective in the following years: 270

(a) Beginning January 1, 2014, one hundred fifty thousand 271  
eight hundred fifty dollars; 272

(b) ~~Beginning on the effective date of this amendment~~ 273  
September 29, 2015, one hundred fifty-eight thousand four 274  
hundred dollars; 275

(c) Beginning January 1, 2017, one hundred sixty-six 276  
thousand three hundred fifty dollars; 277

(d) Beginning January 1, 2018, one hundred seventy-four 278  
thousand seven hundred dollars; 279

(e) Beginning January 1, 2019, and each calendar year 280  
thereafter, one hundred eighty-three thousand four hundred fifty 281

dollars. 282

(2) For the justices of the supreme court, the following 283  
amounts effective in the following years: 284

(a) Beginning January 1, 2014, one hundred forty-one 285  
thousand six hundred dollars; 286

(b) ~~Beginning on the effective date of this amendment~~ 287  
September 29, 2015, one hundred forty-eight thousand seven 288  
hundred dollars; 289

(c) Beginning January 1, 2017, one hundred fifty-six 290  
thousand one hundred fifty dollars; 291

(d) Beginning January 1, 2018, one hundred sixty-four 292  
thousand dollars; 293

(e) Beginning January 1, 2019, and each calendar year 294  
thereafter, one hundred seventy-two thousand two hundred 295  
dollars. 296

(3) For the judges of the courts of appeals, the following 297  
amounts effective in the following years: 298

(a) Beginning January 1, 2014, one hundred thirty-two 299  
thousand dollars; 300

(b) ~~Beginning on the effective date of this amendment~~ 301  
September 29, 2015, one hundred thirty-eight thousand six 302  
hundred dollars; 303

(c) Beginning January 1, 2017, one hundred forty-five 304  
thousand five hundred fifty dollars; 305

(d) Beginning January 1, 2018, one hundred fifty-two 306  
thousand eight hundred fifty dollars; 307

(e) Beginning January 1, 2019, and each calendar year 308

thereafter, one hundred sixty thousand five hundred dollars. 309

(4) For the judges of the courts of common pleas, the 310  
following amounts effective in the following years, reduced by 311  
an amount equal to the annual compensation paid to that judge 312  
from the county treasury pursuant to section 141.05 of the 313  
Revised Code: 314

(a) Beginning January 1, 2014, one hundred twenty-one 315  
thousand three hundred fifty dollars; 316

(b) ~~Beginning on the effective date of this amendment~~ 317  
September 29, 2015, one hundred twenty-seven thousand four 318  
hundred fifty dollars; 319

(c) Beginning January 1, 2017, one hundred thirty-three 320  
thousand eight hundred fifty dollars; 321

(d) Beginning January 1, 2018, one hundred forty thousand 322  
five hundred fifty dollars; 323

(e) Beginning January 1, 2019, and each calendar year 324  
thereafter, one hundred forty-seven thousand six hundred 325  
dollars. 326

(5) For the full-time judges of a municipal court or the 327  
part-time judges of a municipal court of a territory having a 328  
population of more than fifty thousand, the following amounts 329  
effective in the following years, reduced by an amount equal to 330  
the annual compensation paid to that judge pursuant to division 331  
(B) (1) (a) of section 1901.11 of the Revised Code from municipal 332  
corporations and counties: 333

(a) Beginning January 1, 2014, one hundred fourteen 334  
thousand one hundred dollars; 335

(b) ~~Beginning on the effective date of this amendment~~ 336

September 29, 2015, one hundred nineteen thousand eight hundred 337  
fifty dollars; 338

(c) Beginning January 1, 2017, one hundred twenty-five 339  
thousand eight hundred fifty dollars; 340

(d) Beginning January 1, 2018, one hundred thirty-two 341  
thousand one hundred fifty dollars; 342

(e) Beginning January 1, 2019, and each calendar year 343  
thereafter, one hundred thirty-eight thousand eight hundred 344  
dollars. 345

(6) For judges of a municipal court designated as part- 346  
time judges by section 1901.08 of the Revised Code, other than 347  
part-time judges to whom division (A)(5) of this section 348  
applies, and for judges of a county court, the following amounts 349  
effective in the following years, reduced by an amount equal to 350  
the annual compensation paid to that judge pursuant to division 351  
(A) of section 1901.11 of the Revised Code from municipal 352  
corporations and counties or pursuant to division (A) of section 353  
1907.16 of the Revised Code from counties: 354

(a) Beginning January 1, 2014, sixty-five thousand six 355  
hundred fifty dollars; 356

(b) ~~Beginning on the effective date of this amendment~~ 357  
September 29, 2015, sixty-eight thousand nine hundred fifty 358  
dollars; 359

(c) Beginning January 1, 2017, seventy-two thousand four 360  
hundred dollars; 361

(d) Beginning January 1, 2018, seventy-six thousand fifty 362  
dollars; 363

(e) Beginning January 1, 2019, and each calendar year 364

thereafter, seventy-nine thousand nine hundred dollars. 365

(B) Except as provided in sections 1901.122 and 1901.123 366  
of the Revised Code, except as otherwise provided in this 367  
division, and except for the compensation to which the judges 368  
described in division (A) (5) of this section are entitled 369  
pursuant to divisions (B) (1) (a) and (2) of section 1901.11 of 370  
the Revised Code, the annual salary of the chief justice of the 371  
supreme court and of each justice or judge listed in division 372  
(A) of this section shall be paid in equal monthly installments 373  
from the state treasury. If the chief justice of the supreme 374  
court or any justice or judge listed in division (A) (2), (3), or 375  
(4) of this section delivers a written request to be paid 376  
biweekly to the administrative director of the supreme court 377  
prior to the first day of January of any year, the annual salary 378  
of the chief justice or the justice or judge that is listed in 379  
division (A) (2), (3), or (4) of this section shall be paid, 380  
during the year immediately following the year in which the 381  
request is delivered to the administrative director of the 382  
supreme court, biweekly from the state treasury. 383

(C) Upon the death of the chief justice or a justice of 384  
the supreme court during that person's term of office, an amount 385  
shall be paid in accordance with section 2113.04 of the Revised 386  
Code, or to that person's estate. The amount shall equal the 387  
amount of the salary that the chief justice or justice would 388  
have received during the remainder of the unexpired term or an 389  
amount equal to the salary of office for two years, whichever is 390  
less. 391

(D) Neither the chief justice of the supreme court nor any 392  
justice or judge of the supreme court, the court of appeals, the 393  
court of common pleas, or the probate court shall hold any other 394

office of trust or profit under the authority of this state or 395  
the United States. 396

(E) In addition to the salaries payable pursuant to this 397  
section, the chief justice of the supreme court and the justices 398  
of the supreme court shall be entitled to a vehicle allowance of 399  
five hundred dollars per month, payable from the state treasury. 400  
The allowance shall be increased on the first day of January of 401  
each odd-numbered year by an amount equal to the percentage 402  
increase, if any, in the consumer price index for the 403  
immediately preceding twenty-four month period for which 404  
information is available. 405

(F) On or before the first day of December of each year, 406  
the Ohio supreme court, through its chief administrator, shall 407  
notify the administrative judge of the Montgomery county 408  
municipal court, the board of county commissioners of Montgomery 409  
county, and the treasurer of the state of the yearly salary cost 410  
of five part-time county court judges as of that date. If the 411  
total yearly salary costs of all of the judges of the Montgomery 412  
county municipal court as of the first day of December of that 413  
same year exceeds that amount, the administrative judge of the 414  
Montgomery county municipal court shall cause payment of the 415  
excess between those two amounts less any reduced amount paid 416  
for the health care costs of the Montgomery county municipal 417  
court judges in comparison to the health care costs of five 418  
part-time county court judges from the general special projects 419  
fund or the fund for a specific special project created pursuant 420  
to section 1901.26 of the Revised Code to the treasurer of 421  
Montgomery county and to the treasurer of the state in amounts 422  
proportional to the percentage of the salaries of the municipal 423  
court judges paid by the county and by the state. 424

(G) As used in this section: 425

(1) "Consumer price index" has the same meaning as in 426  
section ~~101.27~~141.011 of the Revised Code. 427

(2) "Salary" does not include any portion of the cost, 428  
premium, or charge for health, medical, hospital, dental, or 429  
surgical benefits, or any combination of those benefits, 430  
covering the chief justice of the supreme court or a justice or 431  
judge named in this section and paid on the chief justice's or 432  
the justice's or judge's behalf by a governmental entity. 433

**Sec. 4928.64.** (A) (1) As used in this section, "qualifying 434  
renewable energy resource" means a renewable energy resource, as 435  
defined in section 4928.01 of the Revised Code that has a 436  
placed-in-service date on or after January 1, 1998, or with 437  
respect to any run-of-the-river hydroelectric facility, an in- 438  
service date on or after January 1, 1980; a renewable energy 439  
resource created on or after January 1, 1998, by the 440  
modification or retrofit of any facility placed in service prior 441  
to January 1, 1998; or a mercantile customer-sited renewable 442  
energy resource, whether new or existing, that the mercantile 443  
customer commits for integration into the electric distribution 444  
utility's demand-response, energy efficiency, or peak demand 445  
reduction programs as provided under division (A) (2) (c) of 446  
section 4928.66 of the Revised Code, including, but not limited 447  
to, any of the following: 448

(a) A resource that has the effect of improving the 449  
relationship between real and reactive power; 450

(b) A resource that makes efficient use of waste heat or 451  
other thermal capabilities owned or controlled by a mercantile 452  
customer; 453



(c) Storage technology that allows a mercantile customer 454  
more flexibility to modify its demand or load and usage 455  
characteristics; 456

(d) Electric generation equipment owned or controlled by a 457  
mercantile customer that uses a renewable energy resource. 458

(2) For the purpose of this section and as it considers 459  
appropriate, the public utilities commission may classify any 460  
new technology as such a qualifying renewable energy resource. 461

(B) (1) By 2027 and thereafter, an electric distribution 462  
utility shall provide from qualifying renewable energy 463  
resources, including, at its discretion, qualifying renewable 464  
energy resources obtained pursuant to an electricity supply 465  
contract, a portion of the electricity supply required for its 466  
standard service offer under section 4928.141 of the Revised 467  
Code, and an electric services company shall provide a portion 468  
of its electricity supply for retail consumers in this state 469  
from qualifying renewable energy resources, including, at its 470  
discretion, qualifying renewable energy resources obtained 471  
pursuant to an electricity supply contract. That portion shall 472  
equal twelve and one-half per cent of the total number of 473  
kilowatt hours of electricity sold by the subject utility or 474  
company to any and all retail electric consumers whose electric 475  
load centers are served by that utility and are located within 476  
the utility's certified territory or, in the case of an electric 477  
services company, are served by the company and are located 478  
within this state. However, nothing in this section precludes a 479  
utility or company from providing a greater percentage. 480

(2) The portion required under division (B) (1) of this 481  
section shall be generated from renewable energy resources, 482  
including one-half per cent from solar energy resources, in 483

accordance with the following benchmarks:	484
By end of year Renewable energy Solar energy	485
resources resources	486
2009 0.25% 0.004%	487
2010 0.50% 0.010%	488
2011 1% 0.030%	489
2012 1.5% 0.060%	490
2013 2% 0.090%	491
2014 2.5% 0.12%	492
2015 2.5% 0.12%	493
2016 2.5% 0.12%	494
2017 3.5% 0.15%	495
2018 4.5% 0.18%	496
2019 5.5% 0.22%	497
2020 6.5% 0.26%	498
2021 7.5% 0.3%	499
2022 8.5% 0.34%	500
2023 9.5% 0.38%	501
2024 10.5% 0.42%	502
2025 11.5% 0.46%	503
2026 and each calendar 12.5% 0.5%.	504
year thereafter	505
(3) The qualifying renewable energy resources implemented	506
by the utility or company shall be met either:	507
(a) Through facilities located in this state; or	508
(b) With resources that can be shown to be deliverable	509
into this state.	510
(C) (1) The commission annually shall review an electric	511
distribution utility's or electric services company's compliance	512

with the most recent applicable benchmark under division (B) (2) 513  
of this section and, in the course of that review, shall 514  
identify any undercompliance or noncompliance of the utility or 515  
company that it determines is weather-related, related to 516  
equipment or resource shortages for qualifying renewable energy 517  
resources as applicable, or is otherwise outside the utility's 518  
or company's control. 519

(2) Subject to the cost cap provisions of division (C) (3) 520  
of this section, if the commission determines, after notice and 521  
opportunity for hearing, and based upon its findings in that 522  
review regarding avoidable undercompliance or noncompliance, but 523  
subject to division (C) (4) of this section, that the utility or 524  
company has failed to comply with any such benchmark, the 525  
commission shall impose a renewable energy compliance payment on 526  
the utility or company. 527

(a) The compliance payment pertaining to the solar energy 528  
resource benchmarks under division (B) (2) of this section shall 529  
be an amount per megawatt hour of undercompliance or 530  
noncompliance in the period under review, as follows: 531

(i) Three hundred dollars for 2014, 2015, and 2016; 532

(ii) Two hundred fifty dollars for 2017 and 2018; 533

(iii) Two hundred dollars for 2019 and 2020; 534

(iv) Similarly reduced every two years thereafter through 535  
2026 by fifty dollars, to a minimum of fifty dollars. 536

(b) The compliance payment pertaining to the renewable 537  
energy resource benchmarks under division (B) (2) of this section 538  
shall equal the number of additional renewable energy credits 539  
that the electric distribution utility or electric services 540  
company would have needed to comply with the applicable 541

benchmark in the period under review times an amount that shall 542  
begin at forty-five dollars and shall be adjusted annually by 543  
the commission to reflect any change in the consumer price index 544  
as defined in section ~~101.27~~ 141.011 of the Revised Code, but 545  
shall not be less than forty-five dollars. 546

(c) The compliance payment shall not be passed through by 547  
the electric distribution utility or electric services company 548  
to consumers. The compliance payment shall be remitted to the 549  
commission, for deposit to the credit of the advanced energy 550  
fund created under section 4928.61 of the Revised Code. Payment 551  
of the compliance payment shall be subject to such collection 552  
and enforcement procedures as apply to the collection of a 553  
forfeiture under sections 4905.55 to 4905.60 and 4905.64 of the 554  
Revised Code. 555

(3) An electric distribution utility or an electric 556  
services company need not comply with a benchmark under division 557  
(B) (2) of this section to the extent that its reasonably 558  
expected cost of that compliance exceeds its reasonably expected 559  
cost of otherwise producing or acquiring the requisite 560  
electricity by three per cent or more. The cost of compliance 561  
shall be calculated as though any exemption from taxes and 562  
assessments had not been granted under section 5727.75 of the 563  
Revised Code. 564

(4) (a) An electric distribution utility or electric 565  
services company may request the commission to make a force 566  
majeure determination pursuant to this division regarding all or 567  
part of the utility's or company's compliance with any minimum 568  
benchmark under division (B) (2) of this section during the 569  
period of review occurring pursuant to division (C) (2) of this 570  
section. The commission may require the electric distribution 571

utility or electric services company to make solicitations for 572  
renewable energy resource credits as part of its default service 573  
before the utility's or company's request of force majeure under 574  
this division can be made. 575

(b) Within ninety days after the filing of a request by an 576  
electric distribution utility or electric services company under 577  
division (C) (4) (a) of this section, the commission shall 578  
determine if qualifying renewable energy resources are 579  
reasonably available in the marketplace in sufficient quantities 580  
for the utility or company to comply with the subject minimum 581  
benchmark during the review period. In making this 582  
determination, the commission shall consider whether the 583  
electric distribution utility or electric services company has 584  
made a good faith effort to acquire sufficient qualifying 585  
renewable energy or, as applicable, solar energy resources to so 586  
comply, including, but not limited to, by banking or seeking 587  
renewable energy resource credits or by seeking the resources 588  
through long-term contracts. Additionally, the commission shall 589  
consider the availability of qualifying renewable energy or 590  
solar energy resources in this state and other jurisdictions in 591  
the PJM interconnection regional transmission organization, 592  
L.L.C., or its successor and the midcontinent independent system 593  
operator or its successor. 594

(c) If, pursuant to division (C) (4) (b) of this section, 595  
the commission determines that qualifying renewable energy or 596  
solar energy resources are not reasonably available to permit 597  
the electric distribution utility or electric services company 598  
to comply, during the period of review, with the subject minimum 599  
benchmark prescribed under division (B) (2) of this section, the 600  
commission shall modify that compliance obligation of the 601  
utility or company as it determines appropriate to accommodate 602

the finding. Commission modification shall not automatically 603  
reduce the obligation for the electric distribution utility's or 604  
electric services company's compliance in subsequent years. If 605  
it modifies the electric distribution utility or electric 606  
services company obligation under division (C) (4) (c) of this 607  
section, the commission may require the utility or company, if 608  
sufficient renewable energy resource credits exist in the 609  
marketplace, to acquire additional renewable energy resource 610  
credits in subsequent years equivalent to the utility's or 611  
company's modified obligation under division (C) (4) (c) of this 612  
section. 613

(5) The commission shall establish a process to provide 614  
for at least an annual review of the renewable energy resource 615  
market in this state and in the service territories of the 616  
regional transmission organizations that manage transmission 617  
systems located in this state. The commission shall use the 618  
results of this study to identify any needed changes to the 619  
amount of the renewable energy compliance payment specified 620  
under divisions (C) (2) (a) and (b) of this section. Specifically, 621  
the commission may increase the amount to ensure that payment of 622  
compliance payments is not used to achieve compliance with this 623  
section in lieu of actually acquiring or realizing energy 624  
derived from qualifying renewable energy resources. However, if 625  
the commission finds that the amount of the compliance payment 626  
should be otherwise changed, the commission shall present this 627  
finding to the general assembly for legislative enactment. 628

(D) The commission annually shall submit to the general 629  
assembly in accordance with section 101.68 of the Revised Code a 630  
report describing all of the following: 631

(1) The compliance of electric distribution utilities and 632

electric services companies with division (B) of this section; 633

(2) The average annual cost of renewable energy credits 634  
purchased by utilities and companies for the year covered in the 635  
report; 636

(3) Any strategy for utility and company compliance or for 637  
encouraging the use of qualifying renewable energy resources in 638  
supplying this state's electricity needs in a manner that 639  
considers available technology, costs, job creation, and 640  
economic impacts. 641

The commission shall begin providing the information 642  
described in division (D) (2) of this section in each report 643  
submitted after September 10, 2012. The commission shall allow 644  
and consider public comments on the report prior to its 645  
submission to the general assembly. Nothing in the report shall 646  
be binding on any person, including any utility or company for 647  
the purpose of its compliance with any benchmark under division 648  
(B) of this section, or the enforcement of that provision under 649  
division (C) of this section. 650

(E) All costs incurred by an electric distribution utility 651  
in complying with the requirements of this section shall be 652  
bypassable by any consumer that has exercised choice of supplier 653  
under section 4928.03 of the Revised Code. 654

**Section 2.** That existing sections 101.27, 141.011, 141.04, 655  
and 4928.64 of the Revised Code are hereby repealed. 656

**Section 3.** This act shall be known as the "Average Wage 657  
Fully Uniform Law (AWFUL)." 658