
MISCELLANEOUS

Public official compensation

- Establishes an advisory commission that will, at the beginning of every odd-numbered General Assembly, review and make recommendations about the compensation amounts of General Assembly members and the executive statewide elected officials.
- 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; provides annual cost-of-living adjustments beginning in 2030 equal to the increase in CPI with a 3% maximum.

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

- Allows a civil action to be brought by a person that owns mineral rights, against any person that, without lawful authority, does either of the following:
 - Trespasses on the land containing such minerals and extracts, exploits, or otherwise converts the minerals; or
 - Trespasses on the land containing such minerals and, as a result of the entry, renders the development and extraction of the minerals by the owner commercially unfeasible.
- Establishes mechanisms for the determination of damages as a result of such an action.
- Codifies that it is the intent of the General Assembly to abrogate the common law causes of action and remedies related to unlawful extraction, exploitation, or conversion of another person's mineral rights by creating the bill's civil action proceedings.

Public official compensation

(R.C. 101.56, 101.561, 141.04, 325.18, 505.24, 507.09, and 3501.12; Section 701.70)

Advisory commission

The bills creates a Public Office Compensation Advisory Commission that will review the compensation amounts for General Assembly members and the executive statewide elected officials (Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General) and make recommendations. The Commission does not have authority to modify compensation amounts, since the Ohio Constitution requires the amounts to be prescribed by law enacted by the General Assembly.

The Commission begins its review within the first 60 days of each odd-numbered General Assembly (i.e., the first review will begin in January 2027 at the start of the 137th General Assembly); the Commission must complete its review within the first 90 days of the General Assembly. Within that timeframe, the Commission will prepare a proposed compensation plan approved by vote of at least five of its members, prepare a report of its proposed compensation plan, and submit both to the Governor, to the President and Minority Leader of the Senate, and to the Speaker and Minority Leader of the House.

The Commission consists of nine voting members, with the Governor, Senate President, and House Speaker each appointing three, not more than two of whom may be members of the same political party. Certain individuals are not eligible to serve on the Commission:

- An officer or employee of the state or of a political subdivision;
- An individual who is the spouse, parent, grandparent, child, grandchild, sibling, nephew, niece, uncle, aunt, brother-in-law, sister-in-law, son-in-law, daughter-in-law, father-in-law, or mother-in-law of an officer or employee of the state or of a political subdivision;
- An individual who, within 12 months before appointment, was a candidate for election to a public office in Ohio;
- An individual who is a legislative agent or an executive agency.

Each member serves four years and cannot serve more than two consecutive terms. The chairperson must be selected by majority vote of all members of the Commission. Members are not entitled to compensation but are reimbursed for actual and necessary expenses. A vacancy is filled in the same manner as the original appointment. A member can be removed from the Commission only by that member's designated appointing authority.

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 with no subsequent annual increases. The bill instead gives the officials annual 5% raises through 2029, and annual increases indefinitely, equal to the Consumer Price Index (with a maximum increase of 3%). 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).¹⁷⁹ Therefore, the changes the bill implements take effect for an officer only once the officer begins a new term.

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
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.

¹⁷⁹ 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.

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:¹⁸⁰

- “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.¹⁸¹
- “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.

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.

¹⁸⁰ Presidential Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” (January 20, 2025).

¹⁸¹ This definition of sex is the same as in R.C. 3129.01, not in the bill.

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.¹⁸² 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 and 5303.35)

The bill allows a civil action to be brought by a person that owns mineral rights, against any person that, without lawful authority, does either of the following:

1. Trespasses on the land containing such minerals and extracts, exploits, or otherwise converts the minerals; or
2. Trespasses on the land containing such minerals and, as a result of the entry, renders the development and extraction of the minerals by the owner commercially unfeasible.

Under the bill, if an action is brought for trespassing on land and the trespasser extracted, exploited, or otherwise converted the minerals, the damaged party is entitled to damages equal to the revenue received from the sale of the minerals measured at the mouth of the mine or at the wellhead, as applicable, less the cost of the extraction, and less any sums previously paid.

Additionally, when calculating damages, if the trespasser is determined to have acted in bad faith, 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 less any sums previously paid (thus removing the cost of extraction from the equation).

If an action is brought for trespassing on land and, as a result of the entry, the trespasser renders the development and extraction of the minerals by the owner commercially unfeasible, the damaged party is entitled to damages equal to the putative reasonably expected revenue, on a present value basis, that could have been received from the sale of the minerals (either at the mine or at the wellhead), less the cost of extraction, as established using commercially reasonable indices applicable to the location of the minerals.

However, when calculating damages, if the trespasser is determined to have acted in bad faith, damages must be equal to the putative reasonably expected revenue, on a present value basis, that could have been received from the sale of the minerals either at the mine or at the wellhead, less any sums previously paid (thus removing the cost of extraction from the equation).

The bill specifies that a damaged party is prohibited from receiving punitive or treble damages. It also codifies that it is the intent of the General Assembly, in enacting these civil action provisions, to abrogate the common law causes of action and remedies related to unlawful extraction, exploitation, or conversion of another person's mineral rights.

¹⁸² Ohio Const., art. X, sec. 3 and art. XVIII, sec. 3.