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134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Passed by the Senate

Primary Sponsor: Rep. Hoops

Local Impact Statement Procedure Required: No

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Highlights

Fulton County Municipal Court

- Beginning January 1, 2024, the bill's elimination of the Fulton County County Court and creation of the Fulton County Municipal Court will result in an annual net savings of nearly \$23,000 plus commensurate fringe benefits on the state and county salary obligations. These savings are the result of the elimination of two part-time judgeships and the creation of a single judgeship.

Hamilton County Municipal Court

- The bill creates a potential cost savings effect on the Hamilton County Municipal Court by not requiring the presiding judge of the Hamilton County Municipal Court to assign two or more of the judges of the court to sit outside Cincinnati.

Toledo Municipal Court

- The bill may result in a minimal increase in the volume of cases in the housing division of the Toledo Municipal Court (increase in workload-related expenses and revenues in the form of court costs, fines, and fees) and a decrease in the volume of cases in the Lucas County Court of Common Pleas (decrease in workload-related expenses and revenues in the form of court costs, fines, and fees).

East Liverpool Municipal Court

- Beginning on the bill's effective date, the East Liverpool Municipal Court will be abolished. The net elimination of one full-time municipal court judgeship will reduce the amount of state GRF and the local share of funding annually to cover judicial compensation-related

costs and court operating costs. The exact amount of this expenditure reduction is dependent on the bill's effective date.

- The bill will result in a loss of court-generated revenue (i.e., filing fees, costs and fines) to the city of East Liverpool. The net effect of the loss will be offset by savings created by no longer supporting a standalone municipal court. The bill will result in a revenue gain to Columbiana County in court-generated revenue (i.e., costs, fees and fines), that may in part, offset any increase in workload-related expenses.
- The bill's abolishment of the East Liverpool Municipal Court will create an increase in costs to some local governmental entities that currently utilize the East Liverpool Municipal Court, mostly in terms of travel costs and staff time.

Portage County Court of Common Pleas Domestic Relations Division

- The bill will result in a minimal increase in the volume of cases in the Division of Domestic Relations of the Portage County Court of Common Pleas (increase in workload-related expenses and revenues in the form of court costs, and fees) and a decrease in the volume of cases in the Juvenile Division of the Portage County Court of Common Pleas (decrease in workload-related expenses and revenues in the form of court costs, and fees), the net fiscal effect being minimal.

Fairborn Municipal Court

- Beginning January 2024, the creation of a second full-time municipal court judgeship in the Fairborn Municipal Court will increase the amount of GRF funding that the Supreme Court of Ohio disburses in the form of state support for a judgeship by an estimated \$89,628 or more annually.
- Beginning January 2024, the creation of a second full-time municipal court judgeship will increase judicial compensation-related local expenditures by \$61,750, plus benefit costs. Local costs will be shared between the city of Fairborn (60%) and Greene County (40%).
- According to the city of Fairborn, it is expected that an additional prosecutor would need to be hired at the end of 2023 at a cost of nearly \$120,000 annually plus additional benefits and payroll-related costs.

Detailed Analysis

The bill makes changes to several local court jurisdictions in the state. The descriptions of the changes and resulting fiscal effects are described in detail below.

Fulton County Municipal Court

The bill: (1) eliminates the Fulton County County Court, with two part-time judges, (2) establishes the Fulton County Municipal Court, with a single full-time judge, and (3) provides that the full-time judge will be seated in Wauseon with a branch office established in Swanton, which mirrors the current geographic organization for the county court.

This change will result in a savings for the county and the state in terms of certain compensation costs for the judges, as shown below.¹ Beginning in January 2024 (the year that the new municipal court will begin operation), these changes are expected to save the state \$14,652 annually plus accompanying fringe benefits on expenditures related to the state share of judgeship salary costs. Fulton County will net an expenditure savings of \$8,250 annually plus accompanying fringe benefits for its local share of those costs. It should be noted that some of these savings will begin to occur earlier than January 2024, as one of the current part-time judges in the Fulton County County Court is retiring and the seat will be left vacant until January 2024. That judge is anticipating retiring in December 2023.

Judicial compensation-related costs

The bill will eliminate the two part-time judges serving in the Fulton County County Court and abolishes that court effective January 2024. The newly established Fulton County Municipal Court will have one full-time judge seated in Wauseon with a branch office in Swanton. Under the current court, Fulton County has two divisions with one judge sitting in Wauseon and one sitting in Swanton. This existing structure will be maintained, so no additional capital or office space costs are anticipated.

The table below compares the costs between two part-time county court judges and a single full-time municipal court judge and the breakdown between the local and state share. Salaries are set in statute with a part-time judge expected to earn \$87,140 per year (in 2024) plus benefits and a municipal court judge earning \$151,378. While there may be some incidental administrative costs related to the transition (i.e., updates to stationary, signage, and the court's website), these are not expected to be significant and will be more than offset by the salary savings.

Cost	Two Part-Time County Court Judges	One Full-Time Municipal Court Judge	Net Annual Savings
Local Share	\$70,000	\$61,750	\$8,250
State Share	\$104,280	\$89,628	\$14,652
Total	\$174,280	\$151,378	\$22,902

Special deputy clerk

Currently, in Fulton County, there is a court clerk for each of the county court divisions. For each compensation is set by the county legislative authority and paid from the county treasury. Fulton County has a population of less than 100,000 people, so, under continuing law, the municipal court established by the bill will require one clerk to be appointed by the court with compensation set by the presiding judge and paid from the county treasury. The bill

¹ Compensation is set by statute and split between the state (Ohio Supreme Court) and the local jurisdiction. Certain fringe benefits are also split, for example OPERS (Ohio Public Employees Retirement System).

additionally requires a special deputy clerk to be appointed for the branch office in Swanton. Compensation for a special deputy clerk is set by the payroll administrator and paid by the county. Given the county court already has two clerks, and the bill requires the appointment of a special deputy clerk, it is likely that the Fulton County Municipal Court will continue this arrangement.²

Hamilton County Municipal Court

The bill makes it permissive, instead of mandatory, for the presiding judge of the Hamilton County Municipal Court to assign two or more of the judges of that court to sit outside Cincinnati. This provision has no direct fiscal effect on the state, and creates the potential for a cost savings effect on the Hamilton County Municipal Court as it can utilize existing resources.

Toledo Municipal Court housing division

The bill expands the jurisdiction of the housing division of the Toledo Municipal Court within its territory include any review or appeal of any final order of any administrative officer, agency, board, department, tribunal, commission, or other instrumentality that relates to a local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation, in the same manner and to the same extent as in similar appeals in the court of common pleas. Additionally, the bill grants the housing division of the Toledo Municipal Court concurrent jurisdiction in all criminal actions related to air, ground, and water pollution.

The bill may result in a minimal increase in the volume of cases in the housing division of the Toledo Municipal Court (increase in workload-related expenses and revenues in the form of court costs, fines, and fees) and a decrease in the volume of cases in the Lucas County Court of Common Pleas (decrease in workload-related expenses and revenues in the form of court costs, fines, and fees). The number of cases shifting jurisdictions is expected to be relatively small in the context of those courts' overall caseloads.

According to representatives of the Toledo Municipal Court, it is likely the bill would not require additional resources. The housing division of the Toledo Municipal Court currently has the staff expertise and resources to handle the minimal number of additional cases that would be added to the court's caseload.

East Liverpool Municipal Court

Beginning on the bill's effective date, the East Liverpool Municipal Court will be abolished. All causes, executions, and other proceedings pending in the East Liverpool Municipal Court on the bill's effective date will be transferred to and proceed in the Columbiana County Municipal Court. No additional judgeships will be created in the Columbiana County Municipal Court.

Judicial compensation-related cost savings

The bill will eliminate the full-time municipal court judgeship serving the East Liverpool Municipal Court, saving the state of Ohio and local jurisdictions their share of various judgeship compensation/benefits and payroll-related expenses. Judicial salaries are set in statute. For

² Under continuing law, the clerk of the court of common pleas may act as the clerk for the municipal court. In such a case, the clerk would receive a supplement of \$14,716 in 2024 for a county with a population of less than 55,000. This option is available to Fulton County, but seems unlikely to be pursued.

calendar year 2023, the salary for a full-time municipal court judge will be \$148,775, with \$61,750 being covered by the local jurisdiction and the remainder by the state (\$87,024). Certain payroll expenses and benefits are also split between the locals and the state. In addition to these salary savings, to the extent that current staff are supported by the city of East Liverpool and eliminated, further cost savings could be experienced. At this time, it is unclear what decisions will be made related to these staff positions.

Court revenue loss

As a result of the abolishment of the East Liverpool Municipal Court, the city of East Liverpool will lose court-generated court cost, fee, and fine revenue. This revenue will instead be collected by Columbiana County Municipal Court. The exact amount of revenue that would effectively shift is uncertain, as some manner of fine revenue would likely be remitted back to the city of East Liverpool if cases originated from that jurisdiction. The net effect of the loss will be offset by savings created by no longer supporting a standalone municipal court, either in whole or in part.

Columbiana County Municipal Court

The bill may result in a minimal increase in the volume of cases in the Columbiana County Municipal Court (increase in workload-related expenses) from the absorption of the East Liverpool Municipal Court. Columbiana County will experience a revenue increase, as certain court-generated costs, fees, and fines previously generated by the East Liverpool Municipal Court will be credited to the Columbiana County Municipal Court. Under the bill, the Columbiana County Municipal Court will experience a territory increase. The bill relocates provisions related to the clerk of the Columbiana County Municipal Court that generally apply to territories with populations of less than 100,000 to territories with populations of more than 100,000. The manner in which a clerk is chosen and the clerk's salary schedule remain unchanged from current law.

According to an analysis of caseload statistics conducted by the Ohio Supreme Court, the bill's abolishment of the East Liverpool Municipal Court will not create a burdensome increase to the workload for the Columbiana County Municipal Court, with its two full-time judges, and existing staff and resources will be sufficient. According to representatives of the Columbiana County Municipal Court, it is unlikely they would need to hire additional staff to process the increased workload.

Local governmental agencies currently utilizing the East Liverpool Municipal Court

The bill's abolishment of the East Liverpool Municipal Court will create an increase in costs to certain local governmental entities that currently utilize the court's services, specifically local township police departments that file criminal and traffic violations in the East Liverpool Municipal Court. It has been stated that these agencies will now need to file and appear in the Columbiana County Municipal Court which is located in Lisbon, Ohio. The East Liverpool Municipal Court's territorial jurisdiction consists of the city of East Liverpool, Liverpool Township, and St. Clair Township. Columbiana County Municipal Court's current territorial jurisdiction consists of the remaining territory of Columbiana County not subject to the jurisdiction of East Liverpool Municipal Court.

According to Liverpool Township, presently, township officers receive two hours pay for any local East Liverpool Municipal Court appearances. Pursuant to the township's policy, officers

receive four hours of pay for any court appearance outside of the East Liverpool Municipal Court. According to representatives of Liverpool Township, costs for officer's overtime pay would double. To the degree that officers will now need to add additional hours and mileage to file charges in the Columbiana County Municipal Court, an increase in costs can be expected.

Portage County Court of Common Pleas Domestic Relations Division

The bill generally expands the jurisdiction of the Division of Domestic Relations of the Portage County Court of Common Pleas to include, among others, proceedings involving parentage, child support, allocation of parental rights and responsibilities, and relief from paternity determinations.

The bill will result in a minimal increase in the volume of cases in the Division of Domestic Relations of the Portage County Court of Common Pleas (increase in workload-related expenses and revenues in the form of court costs, and fees) and a decrease in the volume of cases in the Juvenile Division of the Portage County Court of Common Pleas (decrease in workload-related expenses and revenues in the form of court costs, and fees). At this time, the court costs associated with the specified cases are remitted to the Juvenile Court Clerk of Courts. After the transfer, the costs will be remitted to the Portage County Clerk of Courts.

Overall caseloads for the Portage County Court of Common Pleas as a whole will generally be unaffected, with the bill's primary impact being limited to the shifting of cases within the divisions of the common pleas court, an entity of the county. According to the Portage County Clerk of Courts, an influx of 500 cases to the Division of Domestic Relations are anticipated under the bill. The Portage County Department of Budget and Financial Management anticipates that additional employees, one magistrate and two other staff, may be requested to process the additional cases. This approval would need to come from the Portage County Board of Commissioners. It is presumed that there may be a corresponding staff reduction in the Juvenile Division, but is unknown at the time of this writing. The Portage County Board of Commissioners has committed to financially supporting increased needs of the Portage County Domestic Relations Court resulting from the transfer of cases. As both courts are divisions of the Portage County Court of Common Pleas, it is unlikely the county will experience more than a minimal fiscal impact in terms of costs and revenue under the bill.

Fairborn Municipal Court

Base salary

The bill adds one full-time judgeship in the Fairborn Municipal Court for a term beginning January 1, 2024. The annual salary of a full-time municipal court judge is statutorily set at \$151,378 for calendar year (CY) 2024, and consists of a local and state share determined by statute. For the Fairborn Municipal Court, costs are further split between the city of Fairborn (60%) and Greene County (40%). The table below shows the cost breakdown through CY 2026.³

³ Compensation is set by statute and split between the state (Ohio Supreme Court) and the local jurisdiction. Certain fringe benefits are also split, for example OPERS (Ohio Public Employees Retirement System).

Table 2. Full-Time Municipal Court Judge Salary CY 2024-CY 2026

State and Local Shares	CY 2024	CY 2025	CY 2026
State Share	\$89,628	\$92,277	\$94,972
Local Share	\$61,750	\$61,750	\$61,750
<i>City of Fairborn (60%)</i>	<i>\$37,050</i>	<i>\$37,050</i>	<i>\$37,050</i>
<i>Greene County (40%)</i>	<i>\$24,700</i>	<i>\$24,700</i>	<i>\$24,700</i>
Total	\$151,378	\$154,027	\$156,722

Note: S.B. 296 of the 132nd General Assembly includes a series of 1.75% market adjustments over nine years (2020-2028). The local share of judicial salaries is unchanged under S.B. 296 and will remain at \$61,750 for full-time municipal court judges, with the balance being absorbed by the state.

Retirement

State and local elected officials are exempt from membership in the Ohio Public Employees Retirement System (OPERS), unless they choose to become members. As most elected officials do accept membership in OPERS, this analysis includes OPERS payments.

The state and local share contribute at the rate of 14% of their share amounts, respectively. The local share will contribute nearly \$8,650 annually (split between the city of Fairborn – 60% and Greene County – 40%). The state will contribute nearly \$12,550 annually in retirement costs in CY 2024 and increase proportionately as the base salary adjusts annually.

Payroll and other costs

The state, the city of Fairborn, and Greene County also pay for other payroll-related charges, as detailed below.

The state pays for certain percentages of the salary in payroll-related charges as follows: Medicare for all employees hired after April 1986, workers' compensation, Department of Administrative Services' payroll services, Office of Budget and Management services, Equal Employment Opportunity Commission, Office of Information Technology services, Ohio Administrative Knowledge System, and group life insurance. Typically, these charges are around 5% of the salary or less.

The local share of additional payroll-related charges, including group life insurance, group health insurance, and a health savings account, is split between the city of Fairborn and Greene County, with 60% of charges being covered by the city and 40% by the county. The court anticipates that these expenses will range from approximately \$25,600 to \$28,400 from CY 2024 to CY 2026, respectively.

Additionally, there may be some ancillary and administrative costs related to the addition of a second judge (e.g., updates to stationary, signage, and the court's website). Expenses to the local jurisdiction would also include unknown costs for offices and courtroom space. According to the city of Fairborn, it is expected that an additional prosecutor would need to be hired at the

end of 2023. Based on salary estimates from the city of Fairborn, the annual salary would be nearly \$120,000 annually plus additional payroll-related costs.