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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 301
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 301's Bill Analysis](#)

Version: As Reported by Senate Judiciary

Primary Sponsor: Rep. Swearingen

Local Impact Statement Procedure Required: No

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Highlights

- The bill replaces two part-time judges in the Ashtabula County County Court with one full-time judge. The change will result in savings to both the state and Ashtabula County beginning in CY 2031. The bill's changes to certain geographical jurisdictions for the Ashtabula County County Court and the Conneaut Municipal Court are expected to have only minimal effects for each court.
- The bill establishes a process cemeteries must follow to disinter and reinter remains when repairing or replacing a mausoleum or columbarium. Township or municipal cemeteries could incur some costs if they elect to do so when working on these locations.
- Allowing the board of trustees of a soldiers' memorial authority to contract for the use of facilities separate and apart from the memorial gives them the potential to earn revenue from any such planned events.
- Allowing certain financial institutions to continue to have active, interim, or inactive deposits awarded, placed, purchased, made, or certain credit unions to serve as a public depository for additional succeeding designation periods when the institutions become party to an active prompt corrective action directive may increase potential loss to the state's and local governments' funds on deposits with such institutions.

Detailed Analysis

Ashtabula County and Conneaut Municipal courts

The bill makes the following changes to the Ashtabula County County Court and the Conneaut Municipal Court:

- Beginning on January 1, 2031, the bill replaces the two part-time judges of the Ashtabula County County Court with one full-time judge to be compensated as a municipal court judge. Ahead of this change, the bill sets the terms for the judges to be elected in 2028 to two-year terms: January 1, 2029 through December 31, 2030.
- Related to the jurisdiction of the Ashtabula County County Court and the Conneaut Municipal Court, the bill (1) transfers jurisdiction for cases originating in the village of North Kingsville and the townships of Kingsville, Monroe, and Sheffield from the Ashtabula County County Court to the Conneaut Municipal Court beginning on January 1, 2025.

Ashtabula County County Court

Judicial salary

Under continuing Ohio law, a judge of a county court receives compensation from the state and the county:

- The county pays an amount equal to \$35,500 per year for each county court judge, and under the bill will pay \$61,750 per year for the full-time county court judge starting in 2031 – an amount equal to the local portion of a full-time municipal court judge salary.
- The state pays the remaining portion of the statutorily set judge’s salary through GRF appropriation to the Supreme Court. Barring any intervention by the General Assembly:
 - The full salary for a county court judge is set at \$93,403 of which the state is responsible for \$57,903 (after deducting the local portion of \$35,500); and
 - The full salary for a municipal court judge and the full-time judge of the Ashtabula County County Court beginning in 2031 is \$162,257 of which the state is responsible for \$100,507 (after deducting the local portion of \$61,750).

As the table below shows, the replacement of two part-time judges with one full-time judge saves the county \$9,250 annually and saves the state \$15,299 annually in base salary costs. The table also reflects a contribution to the Ohio Public Employees Retirement System (OPERS) which results in additional savings of 14% per year: \$2,142 to the state and \$1,295 to the county.

Cost Comparison of Ashtabula County County Court Judgeship(s) Part-time versus Full-time (2031)				
Compensation Cost	Compensation for Part-time Judge	Compensation for (2) Part-time Judges	Compensation for Full-time Judge	Savings*
Local base salary	\$35,500	\$71,000	\$61,750	\$9,250
14% OPERS contribution	\$4,970	\$9,940	\$8,645	\$1,295
Local Total	\$40,470	\$80,940	\$70,395	\$10,545
State base salary	\$57,903	\$115,806	\$100,507	\$15,299

Cost Comparison of Ashtabula County County Court Judgeship(s) Part-time versus Full-time (2031)				
Compensation Cost	Compensation for Part-time Judge	Compensation for (2) Part-time Judges	Compensation for Full-time Judge	Savings*
14% OPERS contribution	\$8,106	\$16,213	\$14,071	\$2,142
State Total	\$66,009	\$132,019	\$114,578	\$17,441
Compensation Total	\$106,479	\$212,959	\$184,973	\$27,986

Note: 1.75% annual pay increases under S.B. 296 of the 132nd General Assembly end in 2028

*Reflects the savings generated from converting part-time judgeships to a single full-time judgeship

The county may also incur additional benefit costs, like health insurance, as well as other administrative costs.

Court operating costs

County officials suggest that there will be additional savings for the county because the county will no longer need to maintain two courts for two part-time judges. Currently, the Ashtabula County County Court maintains two divisions, one in Jefferson and one in Geneva. The county court reports that the county currently pays \$108,000 annually to maintain the court in Geneva. It is likely that the court can expect to save at least this amount annually, but the actual amount of any savings will depend on actions taken by the county and the court to consolidate judgeships leading up to CY 2031.

Conneaut Municipal Court

Under continuing law, each municipal corporation and each township within the territory of the municipal court shall be assigned a proportionate share of the current operating costs of the municipal court that is equal to the percentage of the total criminal and civil caseload of the municipal court that arose in that municipal corporation or township. County court costs are paid by the relevant county commissioners.

As described above, the village and townships moving from county court to the municipal court jurisdiction will be directly responsible for covering the costs of the Conneaut Municipal Court whereas currently relevant county court costs are paid by the county. However, the total number of cases arising from the relevant village and townships is likely to be relatively small annually. As reported by county officials, the number of cases originating from those locations totaled 31 in 2023. The loss of court cost revenue for the county court will be negligible as will the potential additional expenses for the village and townships, and resulting revenue for the Conneaut Municipal Court.

Public depositories

The bill removes the prohibition for certain financial institutions from serving as a public depository. Under existing law, a financial institution – or any of its directors, officers, employees, or controlling shareholders or persons – that is currently a party to an active final or temporary

cease-and-desist order issued to ensure the safety and soundness of the institution is prohibited from serving as a public depository.

In its place, the bill requires financial institutions and certain credit unions, which are designated by a governing board as a public depository, to notify each governing board that made such designation, if the institution becomes party to an active prompt corrective action directive.¹

The governing board may take either or both of the following actions when it receives such notice: (1) allow the public depository to continue to have active, interim, or inactive deposits awarded, placed, purchased, made, or designated for the remainder of the designation period, or (2) designate the institution as a public depository for additional succeeding designation periods. The bill specifies that if a governing board determines that one or both of the actions are in the public interest, and public moneys are lost due to the failure of the public depository subject to the directive, certain public officials of the board are relieved from any liability for the loss.

Allowing certain financial institutions to continue to have active, interim, or inactive deposits awarded, placed, purchased, made, or certain credit unions to serve as a public depository for additional succeeding designation periods when the institutions become party to an active prompt corrective action directive may increase potential loss to the state's and local governments' funds on deposits with such institutions.

Criminal Sentencing Commission standing juvenile committee

The bill requires the Criminal Sentencing Commission to reestablish a standing juvenile committee and requires the Chief Justice of the Ohio Supreme Court to designate a person to serve as chairperson of the committee. The bill requires the Commission to review and assist in the implementation of statutes governing delinquent child, unruly child, and juvenile traffic offender dispositions in the state; to review state and local resources used for juvenile offenders; to develop juvenile justice policy for the state; to review all bills introduced in the General Assembly related to juvenile justice to determine if those bills are consistent with policy developed by the Commission; and to assist the General Assembly to make legislation consistent with Commission policy. In addition, the Commission is required to periodically report to the General Assembly on the operation and impact of juvenile justice statutes.

The state Criminal Sentencing Commission is a 31-member commission originally created by S.B. 258 of the 118th General Assembly which reviews sentencing statutes and sentencing patterns and makes recommendations on statutory changes to the General Assembly. It is likely that the Commission, which is funded through appropriation to the Supreme Court of Ohio, can utilize existing staff and appropriated funding to absorb any costs associated with establishing a standing juvenile justice committee and reporting as needed to the General Assembly.

¹ Under the bill, "prompt corrective action directive" means a directive issued by a regulatory authority of the United States as authorized under 12 United States Code (U.S.C.) 1790d or 1831o.

Use of memorials and other facilities

Under the bill, political subdivisions could see increased revenue stemming from rental fees for facilities related to a soldiers' memorial and additional services provided at events on those sites. In particular, the bill authorizes the board of trustees of a political subdivision soldiers' memorial to (1) make rules and regulations for entertainment, retail, educational, sporting, social, cultural, or arts opportunities at the memorial, and (2) enter into contracts with political subdivisions or nonprofit organizations for the use of other facilities separate and apart from the memorial, and to provide other services.

Repairs of certain cemetery structures

Under the bill, the board of township trustees, the trustees or directors of a cemetery association, or the other officers having control and management of a cemetery or the officer of a municipal corporation who has control and management of a municipal cemetery may incur costs if they elect to disinter and reinter remains to repair or replace a mausoleum or columbarium, subject to probate court approval. Under this process, a cemetery is not liable for damages under a civil action. Additionally, the bill allows the disinterment of the cremated remains of a decedent who died of a contagious or infectious disease without a permit issued by the local board of health.

Other provisions

In addition to the provisions discussed above, the bill also includes a number of provisions with limited or no fiscal effect on the state or political subdivisions. These include:

- Allowing a court to order unmarried parents who are in a custody dispute to undergo conciliation with a magistrate, and requires a magistrate to issue an order regarding the allocation of parental rights and responsibilities, parenting time, or companionship or visitation upon resolution;
- Classifying an order that restrains or restricts enforcement of a state statute or regulation as a final order that may be reviewed on appeal;
- Clarifying that amendments to the judicial release and transitional control processes made in S.B. 288 of the 134th General Assembly apply only to prisoners serving prison terms on or after April 4, 2023 (the effective date of that act);
- Modifying the Nonprofit Corporation Law related to director qualifications and appointments, director and officer liability, changes to articles of incorporation, certificates of good standing with the Secretary of State, and dissolutions of corporations.