



Ohio Legislative Service Commission

Bill Analysis

David M. Gold

H.B. 302

129th General Assembly
(As Introduced)

Rep. R. Adams

BILL SUMMARY

- Provides that the Clerk of Courts of Miami County is the clerk of the Miami County Municipal Court.
- Declares an emergency.

CONTENT AND OPERATION

Clerk of the Miami County Municipal Court

As a general rule, if the population of the territory over which a municipal court has jurisdiction equals or exceeds 100,000, the clerk of the court is elected for a six-year term. Also as a general rule, if the population of the territory over which a municipal court has jurisdiction is less than 100,000, the court appoints the clerk of the court.¹ The Miami County Municipal Court currently has no regular clerk and is being served by an interim clerk. The previous clerk was appointed by the court. However, the 2010 census shows that the population of the territory over which the court has jurisdiction (Miami County plus the portion of the Village of Bradford that is located in Darke County)² now exceeds 100,000. Therefore, under existing law, the voters of the territory must elect a clerk. The bill obviates the need for an election by making the Clerk of Courts of Miami County (that is, the clerk of the Miami County Court of Common Pleas) the clerk of the Miami County Municipal Court as well. The bill sets the Miami County Clerk of Court's compensation for serving as the Miami County Municipal Court clerk at one-fourth the rate prescribed by statute for serving as the clerk of the

¹ R.C. 1901.31(A)(1)(a) and (A)(2)(a).

² R.C. 1901.02(B).

common pleas court. It requires that the compensation be paid from the county treasury in semimonthly installments and that that compensation is in addition to the annual compensation received for being the Miami County Clerk of Courts.³

Declaration of emergency

The bill includes an emergency clause under which the bill takes immediate effect because the Miami County Municipal Court currently has no regular clerk.⁴

COMMENT

The bill needs to be amended to provide in R.C. 1901.31(A)(1)(a) an exception for the clerk of the Miami County Municipal Court to the general rule that clerks of municipal courts with 100,000 or more persons within the territory of the court must be elected.

HISTORY

ACTION	DATE
Introduced	07-26-11

h0302-i-129.docx/ks

³ R.C. 1901.31(A)(1)(d).

⁴ Section 4.

