



# Ohio Legislative Service Commission

## Bill Analysis

Andrea Holmes

### H.B. 141\*

130th General Assembly

(As Reported by S. Public Safety, Local Government and Veterans Affairs)

**Reps.** Damschroder, Boose, Brown, Buchy, Duffey, C. Hagan, Huffman, Letson, Mallory, McClain, Sprague, Stebelton, Wachtmann, Batchelder

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## BILL SUMMARY

- Abolishes the Fostoria Municipal Court and the Tiffin Municipal Court effective January 1, 2014, consolidates both courts and their territorial jurisdictions within the newly established Tiffin-Fostoria Municipal Court, and provides that the municipal court established in Tiffin is to be styled and known as the Tiffin-Fostoria Municipal Court.
- Provides that the judge of the Tiffin-Fostoria Municipal Court must sit within each of the municipal corporations of Tiffin and Fostoria on a weekly basis.
- Requires the Tiffin-Fostoria Municipal Court to establish a branch office in Fostoria and appoint a special deputy clerk to administer the branch office on a full-time basis.
- Requires that cases arising within the territorial limits that are comprised in the current Tiffin Municipal Court be filed in the office of the clerk of the court located in Tiffin and that cases arising within the territorial limits that are comprised in the current Fostoria Municipal Court be filed in the office of the special deputy clerk located in Fostoria.
- Abolishes each of the full-time judgeships of the Fostoria Municipal Court and the Tiffin Municipal Court and provides that one full-time judge in the Tiffin-Fostoria Municipal Court is to be elected in 2013.

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\* This analysis was prepared before the report of the Senate Public Safety, Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Requires the nomination of the new municipal court judge of the Tiffin-Fostoria Municipal Court who is to be elected in 2013 to be by nominating petition signed by at least 50 electors and filed with the board of elections not later than 4 p.m. of the 90th day prior to the general election in November, 2013.
- Provides that upon the act's effective date, any nominating petitions filed for the election of judge of the Fostoria Municipal Court to be elected in 2013 and any nominating petitions filed for election of judge of the Tiffin Municipal Court to be elected in 2013 must be considered nominating petitions for the election of municipal court judge of the Tiffin-Fostoria Municipal Court to be elected in 2013.
- Provides transition provisions for transferring cases and documents from the abolished Fostoria Municipal Court and Tiffin Municipal Court to the Tiffin-Fostoria Municipal Court.
- Contains an emergency clause.

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## **CONTENT AND OPERATION**

### **Abolition of Fostoria and Tiffin Municipal Courts and creation of Tiffin-Fostoria Municipal Court**

The bill abolishes the Fostoria Municipal Court and the Tiffin Municipal Court effective January 1, 2014, and creates the Tiffin-Fostoria Municipal Court effective January 1, 2014. Beginning on that date, the municipal court established in Tiffin is to be styled and known as the "Tiffin-Fostoria Municipal Court."<sup>1</sup>

The current Fostoria Municipal Court has jurisdiction within the municipal corporation of Fostoria and within Loudon and Jackson Townships in Seneca County, Washington Township in Hancock County, and Perry Township, except within the municipal corporation of West Millgrove, in Wood County. The current Tiffin Municipal Court has jurisdiction within the municipal corporation of Tiffin, and within Adams, Big Spring, Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, Scioto, Seneca, Thompson, and Venice Townships in Seneca County.<sup>2</sup>

Under the bill, beginning January 1, 2014, the Tiffin-Fostoria Municipal Court has jurisdiction within the municipal corporation of Tiffin and within Adams, Big Spring, Bloom, Clinton, Eden, Hopewell, Jackson, Liberty, Loudon, Pleasant, Reed, Scioto, Seneca, Thompson, and Venice Townships in Seneca County, Washington Township in

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<sup>1</sup> R.C. 1901.01(A) and 1901.02(A)(31) and (B); Sections 3(A) and 4(A).

<sup>2</sup> R.C. 1901.02(A) and (B).



Hancock County, and Perry Township, except within the municipal corporation of West Millgrove, in Wood County (combined territorial jurisdictions of the current Fostoria Municipal Court and Tiffin Municipal Court). The municipal corporation of Fostoria is within the jurisdiction of the new court because it is within Washington Township in Hancock County, Jackson and Loudon Townships in Seneca County, and Perry Township in Wood County.<sup>3</sup>

### **Tiffin-Fostoria Municipal Court – where court is held, location of case filings, branch office**

The bill provides that the judge of the Tiffin-Fostoria Municipal Court must sit within each of the municipal corporations of Tiffin and Fostoria on a weekly basis. Cases that arise within the municipal corporation of Tiffin and within Adams, Big Spring, Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, Scioto, Seneca, Thompson, and Venice Townships in Seneca County must be filed in the office of the clerk of the court located in the municipal corporation of Tiffin. Cases that arise in the municipal corporation of Fostoria and within Loudon and Jackson Townships in Seneca County, Washington Township in Hancock County, and Perry Township, except within the municipal corporation of West Millgrove, in Wood County, must be filed in the office of the special deputy clerk (see following paragraph) located in the municipal corporation of Fostoria.<sup>4</sup>

The bill requires the Tiffin-Fostoria Municipal Court to establish a branch office in Fostoria and to appoint a special deputy clerk to administer the branch office on a full-time basis. The special deputy clerk must take the oath of office, perform the duties appertaining to the office of the clerk of court as the court prescribes, and receive compensation payable in either biweekly or semimonthly installments, as determined by the payroll administrator, out of the city treasury as the court may prescribe.<sup>5</sup>

### **Election of judge**

The bill abolishes, effective January 1, 2014, the full-time judgeship of the Fostoria Municipal Court and the full-time judgeship of the Tiffin Municipal Court and provides that one full-time judge of the Tiffin-Fostoria Municipal Court is to be elected in 2013.<sup>6</sup>

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<sup>3</sup> R.C. 1901.02(A) and (B).

<sup>4</sup> R.C. 1901.021(N).

<sup>5</sup> R.C. 1901.311(B).

<sup>6</sup> R.C. 1901.08; Sections 3(D) and 4(D).



The bill requires the nomination of the new municipal court judge of the Tiffin-Fostoria Municipal Court who is to be elected in 2013 to be by nominating petition signed by at least 50 electors, filed with the board of elections, and otherwise conform to R.C. 3513.261 (nominating petition form). The nominating petition must designate the term of the office to which the candidate seeks election as provided in R.C. 3513.28 (designation of term of office). Notwithstanding any other provision of law, the nominating petition must be filed not later than 4 p.m. of the 90th day prior to the general election in November, 2013. Notwithstanding R.C. 3513.04 (prohibition against any person who seeks party nomination for an office or position at a primary election by declaration of candidacy becoming a candidate by nominating petition for an office with certain exceptions), no person is prohibited from seeking election as a new judge created by the act because the person sought, by declaration of candidacy, a party nomination for an office or position at the May, 2013 primary election.<sup>7</sup>

The bill requires that the petitions for the office of municipal judge of the Fostoria Municipal Court to be elected in 2013, term to begin January 1, 2014, and the petitions for the office of municipal judge of the Tiffin Municipal Court to be elected in 2013, term to begin January 1, 2014, that contain signatures that were affixed prior to the effective date of the act be accepted for the office of municipal judge of the Tiffin-Fostoria Municipal Court to be elected in 2013, term to begin January 1, 2014, if those petitions meet the other requirements of the election laws.<sup>8</sup>

Upon the effective date of the act, any nominating petitions that have been filed for the election of municipal court judge of the Fostoria Municipal Court to be elected in 2013 and any nominating petitions that have been filed for the election of municipal court judge of the Tiffin Municipal Court to be elected in 2013 must be considered nominating petitions for the election of the municipal court judge of the Tiffin-Fostoria Municipal Court to be elected to a six-year term in 2013. Section 5 of the bill does not prevent any other qualified persons from seeking, in 2013, the office of judge of the Tiffin-Fostoria Municipal Court.<sup>9</sup>

If a person filed a declaration of candidacy and petition for the office of municipal judge of the Fostoria Municipal Court or a declaration of candidacy and petition for the office of municipal judge of the Tiffin Municipal Court and paid the fees required under R.C. 3513.10 (fees for filing declaration of candidacy), or filed a nominating petition for the office of municipal judge of the Fostoria Municipal Court or

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<sup>7</sup> Section 5(A) and (B).

<sup>8</sup> Section 5(C).

<sup>9</sup> Section 5(D).



a nominating petition for the office of municipal judge of the Tiffin Municipal Court and paid the fees required under R.C. 3513.261 (fee for filing nominating petition), that person is not required to pay the fee for filing a nominating petition for the office of municipal judge of the Tiffin-Fostoria Municipal Court.<sup>10</sup>

## **Transition provisions**

### **Fostoria Municipal Court**

The bill provides that all causes, judgments, executions, and other proceedings pending in the Fostoria Municipal Court at the close of business on December 31, 2013, must be transferred to and proceed in the Tiffin-Fostoria Municipal Court on January 1, 2014, as if originally instituted in the Tiffin-Fostoria Municipal Court. Parties to those causes, judgments, executions, and proceedings may make any amendments to their pleadings that are required to conform to the rules of the Tiffin-Fostoria Municipal Court. The Clerk of the Fostoria Municipal Court or other custodian must transfer to the Tiffin-Fostoria Municipal Court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the Fostoria Municipal Court, or any officer of that court, at the close of business on December 31, 2013, and that pertain to those causes, judgments, executions, and proceedings. All employees of the Fostoria Municipal Court must be transferred to and become employees of the Tiffin-Fostoria Municipal Court on January 1, 2014.<sup>11</sup>

### **Tiffin Municipal Court**

The bill provides that all causes, judgments, executions, and other proceedings pending in the Tiffin Municipal Court at the close of business on December 31, 2013, must be transferred to and proceed in the Tiffin-Fostoria Municipal Court on January 1, 2014, as if originally instituted in the Tiffin-Fostoria Municipal Court. Parties to those causes, judgments, executions, and proceedings may make any amendments to their pleadings that are required to conform to the rules of the Tiffin-Fostoria Municipal Court. The Clerk of the Tiffin Municipal Court or other custodian must transfer to the Tiffin-Fostoria Municipal Court all pleadings, orders, entries, dockets, bonds, papers, records, books, exhibits, files, moneys, property, and persons that belong to, are in the possession of, or are subject to the jurisdiction of the Tiffin Municipal Court, or any officer of that court, at the close of business on December 31, 2013, and that pertain to those causes, judgments, executions, and proceedings. All employees of the Tiffin

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<sup>10</sup> Section 5(E).

<sup>11</sup> Section 3(B) and (C).



Municipal Court must be transferred to and become employees of the Tiffin-Fostoria Municipal Court on January 1, 2014.<sup>12</sup>

### **Emergency clause**

The bill provides that the act is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for this necessity is that the judge for the municipal court that is created by the act is necessary for the efficient administration of justice in the jurisdictions covered by the court and that the candidates for the judicial position cannot file the candidates' nominating petitions before the deadline created by the act unless the act immediately becomes effective. Therefore, the act goes into immediate effect.<sup>13</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	04-24-13
Reported, H. Judiciary	05-16-13
Passed House (92-1)	05-22-13
Reported, S. Public Safety, Local Gov't & Veterans Affairs	---

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<sup>12</sup> Section 4(B) and (C).

<sup>13</sup> Section 6.

