

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: **Am. Sub. H.B. 444 (with LSC 4213.122)** **DATE:** **January 7,1998**

STATUS: **As Reported by Senate Judiciary** **SPONSOR:** **Rep. Taylor**

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

CONTENTS: **Adds two judges to the Lorain County Court of Common Pleas and a single judge to the Marion County Court of Common Pleas in 1999**

State Fiscal Highlights

STATE FUND	CY 1998	CY 1999	CY 2000	FUTURE YEARS
General Revenue Fund				
Revenues	-0-	-0-	-0-	-0-
Expenditures*	-0-	Up to \$292,781.79 increase	Up to \$303,079.98 increase	Up to \$313,493.88 increase
*based on an effective date of 1/2/99				

- Am. Sub H.B. 438 of the 121st G.A. established a uniform pay scale for Common Pleas Court Judges that sets the state portion of salaries at the total salary minus a local contribution based upon county population as determined by the decennial census.
- The state would contribute the above new sums, which include the contribution for PERS (at 13.31% of gross state salary) and other administrative costs (at 2.4 percent of gross state salary). Currently, pay increases are scheduled to occur on January 1st of both calendar year 2000 and 2001.

Local Fiscal Highlights

LOCAL FUNDS	CY 1998	CY 1999	CY 2000	FUTURE YEARS
Lorain & Marion Counties				
Revenues	- 0 -	- 0 -	- 0 -	- 0 -
Expenditures*	- 0 -	Up to \$44,930.96 increase plus unknown one-time capital and ongoing operating expenses	Up to \$44,930.96 increase plus unknown annual operating expenses	Up to \$44,930.96 increase plus unknown annual ongoing operating expenses
*based on an effective date of 1/2/99				

- Instead of paying a varying amount, Lorain County and Marion County would pay the base share prescribed to Common Pleas Court Judges. The above shows the judicial salary expenditures faced by Lorain & Marion Counties, including the contribution for PERS (at 13.55 percent of gross local salary).



- The counties will experience an unknown annual increase in expenditures related to staffing and other needs of the court, as well as additional demand for prosecutors and indigent defense.

Detailed Fiscal Analysis

Common Pleas Court Judges

Salaries for common pleas court judges consist of a state share and a local share paid by the county. The local contribution varies slightly depending on a county's population as determined by the decennial census. This local amount is based on eighteen cents per capita in the county, but may not be less than \$3,500 nor more than \$14,000. The state share is equal to the total salary minus the local contribution. Am. Sub. H.B. 438 of the 121st General Assembly established common pleas court judges salaries at \$97,550 in 1999, \$100,500 in 2000 and \$103,500 for 2001 and beyond. However, these amounts may be adjusted as recent studies have indicated that Ohio's judicial salaries continue to lack behind those of judges in neighboring states. In the 1990 census, Lorain County had a population of 271,126. The county will provide \$14,000 towards each judge's salary in 1999, 2000 and 2001. The state will provide each a salary of \$83,550 in 1999, \$86,500 in 2000 and \$89,500 in 2001. In the 1990 census, Marion County had a population of 64,274. The county will provide \$11,569.32 towards the judge's salary in 1999, 2000 and 2001. The state will provide a salary of \$85,930.68 in 1999, \$88,930.68 in 2000 and \$91,930.68 in 2001. The 2000 census will alter the local contribution for 2002 and the remainder of the next decade.

PERS estimate

State and local elected officials are exempt from membership in PERS (Public Employees Retirement System), unless they choose to become members. However, most do. Therefore, this analysis includes PERS payments assuming that the Lorain County Common Pleas Court Judges and the Marion County Common Pleas Court Judge join PERS. The state contributes at the rate of 13.31 percent of gross state salary, while the county pays 13.55 percent based upon the local contribution. In addition to PERS, the state also makes contributions for other purposes: 1.45 percent of gross state salary for Medicare for all employees hired after April 1986, 0.67 percent for worker's comp and 0.28 percent for the administration of the Central Accounting System. These costs have also been included in the State Fiscal Highlights section.

Additional Local Costs

In Lorain County, the addition of two common pleas court judges will most likely create additional costs for the county in staffing, equipment, and physical space necessary to serve the needs of the court. Furthermore, as a result of the addition of the two judges, the Lorain County Common Pleas Court should experience an increased number of cases adjudicated. Therefore, the county could find it necessary to increase expenditures in order to fund additional prosecutors and public defenders to handle increased caseloads. At present however, LBO is unable to specifically identify the amount of such additional costs. County estimates have placed these additional annual local expenses in the range of up to \$614,000, but county officials have indicated the actual costs directly related to the new judges would likely be much less. The additional judgeship in Marion County should also create additional local costs. However,

Marion County officials have not had the opportunity to respond to requests for information regarding local costs.

Prior LBO fiscal notes contained additional local expenditures for the two judgeships in Lorain County based upon local estimates. At the time of the preparation of this LBO document, Marion County was unable to provide local fiscal estimates. As a result, estimates of total local costs have been revised to reflect the known local's share of salary and benefits plus an unknown amount for one-time capital expenses and on-going operating expenses.

□ *LBO staff: Corey C. Schaal, Budget/Policy Analyst*

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