

- Counties do not provide for the salary of Appellate Court Judges, but do provide and maintain the books, supplies and facilities of the court and the salaries of other court employees.

Detailed Fiscal Analysis

Court of Appeals. The salaries for State Appellate Court Judges are paid entirely by the state. The new judges in the Fifth and Eleventh Districts will each receive \$112,550 in annual salary. The six-year terms of the judges shall begin on February 11, 2001 and continue through February 10, 2007. The level of compensation is the final amount prescribed in the Ohio Revised Code following six straight years of incremental raises. Currently, State Appellate Court Judges are paid \$106,050 a year. The state also provides for the salaries of the court reporters, law clerks, secretaries and any other employee that the court considers necessary for its efficient operation. In general, judicial and staff salaries are provided by the state, whereas the counties within the court's jurisdiction provide for books, supplies and facilities to maintain the operation of the court. However, there are a few exceptions to this rule. Counties provide compensation for any constables appointed to preserve order, attend the assignment of cases or to discharge such other duties, as the court requires. And, the Clerk of the District Court of Appeals is also the Clerk of the Court of Common Pleas in the county where the Appeals Court has its principal location. For this added duty, the clerk is provided with a sum equal to one-eighth of the annual compensation received for being Clerk of the Court of Common Pleas. This additional amount is payable from the state treasury, whereas the remainder, seven-eighths, of the salary comes from the principal county's general fund.

Fifth District. The court administrator for the Fifth District Court of Appeals anticipates hiring 2 staff attorneys and 1 secretary or administrative assistant to meet the support staff needs of the new judge. The staff attorneys would annually make approximately \$52,000 each. The staff assistant or judicial secretary would have an annual salary of slightly less than \$38,000. The salaries listed here do not include expenses for benefits or withholding for retirement services. The salaries, plus benefits, are state costs and are included within the above state fiscal highlights table.

The Fifth District Court of Appeals is seated in Stark County. The current court facility, located in Canton, Ohio, has space into which the court could expand with minor renovation. Current court estimates have placed the initial startup costs at \$57,300, with ongoing annual operating costs of \$12,800. These costs would be borne by the counties that make up the Fifth District. The following table shows how these costs would be allocated based upon the most recent census.

County	1990 Population	% Of Total Population	First Year Cost	Following Years Cost
Ashland	47,507	3.85%	\$2,205	\$493
Coshocton	35,427	2.87%	\$1,645	\$367
Delaware	66,929	5.42%	\$3,107	\$694
Fairfield	103,461	8.38%	\$4,803	\$1,073
Guernsey	39,024	3.16%	\$1,812	\$405
Holmes	32,849	2.66%	\$1,525	\$341
Knox	47,473	3.85%	\$2,204	\$492
Licking	128,300	10.39%	\$5,956	\$1,330
Morgan	14,194	1.15%	\$659	\$147
Morrow	27,749	2.25%	\$1,288	\$288
Muskingum	82,068	6.65%	\$3,810	\$851
Perry	31,557	2.56%	\$1,465	\$327
Richland	126,137	10.22%	\$5,855	\$1,308
Stark	367,585	29.78%	\$17,064	\$3,812
Tuscarawas	84,090	6.81%	\$3,904	\$872
Total	1,234,350	100.00%	\$57,300	\$12,800

Eleventh District. In the Eleventh District, the court administrator expects to hire 2 judicial law clerks and 1 judicial secretary. The law clerks would make approximately a little over \$39,000. The judicial secretary would make between \$32,000 - \$37,000 annually. A breakdown of the local costs per county has yet to be decided, but total costs should be comparable to those of the Fifth District, excluding costs associated with office renovation. The court is seated in Trumbull County where a new facility is being constructed that will house the appellate court. The new court facility was designed with the additional judge in mind. One-time startup costs are estimated at \$37,300. The table below indicates the population of the counties included in the Eleventh District and the percentage of the local costs that each will be responsible for providing.

County	1990 Population	% Of Total Population
Ashtabula	99,821	13.02%
Geauga	81,129	10.58%
Lake	215,499	28.10%
Portage	142,585	18.59%
Trumbull	227,813	29.71%
Total	766,847	100.00%

PERS Estimates

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 two Appellate Court Judges join PERS. The state contributes at the rate of 13.31 percent of gross state salary. 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.

Appellate District Study Committee

The bill creates the Appellate District Study Committee to review the configuration and composition of all appellate districts and submit its recommendations to the Speaker of the House of Representatives, President of the Senate, Minority Leader in each legislative chamber, and the Chief Justice of the Ohio Supreme Court regarding whether and how to revise and reconfigure each district. The committee is to consist of the Chief Justice (or the Chief's designees), a judge of a court of record from each appellate district appointed by the Chief Justice, five additional members appointed by the Chief Justice, and the Chairs and ranking minority members of the House Criminal Justice and Senate Judiciary Committees (or their designees). The committee shall cease to exist January 1, 2002. Although members of the committee would serve without compensation, any administrative expenses incurred by the committee in the performance of its duties would be the responsibility of the Supreme Court.

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

\\Budget_office\isis_voll.lbo\FN123\SB0164EN.doc