



support for the full-time judge of the Marysville Municipal Court is estimated at \$26,219 annually. These costs resulting from the bill do not reflect the actual salary and benefits of a full-time municipal court judge, but rather the difference in salary, retirement benefits, and miscellaneous other contributions between a full-time judge and a part-time judge.

- **Delaware Municipal Court full-time judgeship.** Since the judgeship begins at the halfway point of FY 2008, the amount indicated in the above table, \$32,969, represents only the last six months of that fiscal year. Starting with FY 2009, the additional amount in GRF funding that the Supreme Court of Ohio will disburse in the form of state support for the full-time judge elected to the Delaware Municipal Court is estimated at \$65,938 annually.
- **Holmes County Municipal Court full-time judgeship.** Since the judgeship begins at the halfway point of FY 2007, the amount indicated in the above table, \$13,110, represents only the last six months of that fiscal year. Starting with FY 2008, the additional amount in GRF funding that the Supreme Court of Ohio will disburse in the form of state support for the full-time judge of the Holmes County Municipal Court is estimated at \$26,220 annually.
- **Summit County Court of Common Pleas judgeships.** Starting with FY 2010, the annual amount in GRF funding that the Supreme Court of Ohio will disburse in the form of state support for the two additional judgeships added to the Summit County Court of Common Pleas could be as high as \$275,394, which consists of the following estimated amounts: (1) \$225,732 in salary, (2) \$31,084 in PERS contributions, and (3) \$18,578 in miscellaneous other contributions. As the term of the new judgeships does not begin until halfway through the state's FY 2009, the amount of state financial support that will be disbursed in that fiscal year is expected to be half the estimated annual cost, or \$137,697. Currently, the state has statutorily prescribed annual pay increases in the state share of the salary of common pleas court judges through calendar year 2008.
- **Joint Committee to Study Court Costs and Filing Fees.** The bill creates the Joint Committee to Study Court Costs and Filing Fees, states that the Committee members are to serve without compensation, and that the Ohio Legislative Service Commission and the employees of the Ohio Supreme Court shall provide staff support for the Committee. At the time of this writing, it is uncertain how much staff support the Committee will need. Presumably, there will be some costs involved in terms of staff time, equipment, and resources, but the magnitude of those associated costs is uncertain. Subsequent to submitting findings and recommendations not later than one year after the bill's effective date, the Committee ceases to exist.

## Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FY 2009 - FUTURE YEARS
<b>City of Marysville*</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	\$18,585 or more increase	\$18,585 or more increase	\$18,585 or more annual increase
<b>Union County*</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	\$12,390 or more increase	\$12,390 or more increase	\$12,390 or more annual increase
<b>City of Delaware</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	\$43,719 increase	\$43,719 annual increase
<b>Delaware County</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	\$29,146 increase	\$29,146 annual increase
<b>Holmes County</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Up to \$30,975 increase in judicial compensation costs	Up to \$30,975 increase in judicial compensation costs	Up to \$30,975 annual increase in judicial compensation costs
<b>Village of Millersburg</b>			
Revenues	Fiscal effect uncertain	Fiscal effect uncertain	Fiscal effect uncertain
Expenditures	Fiscal effect uncertain	Fiscal effect uncertain	Fiscal effect uncertain
<b>Summit County**</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	- 0 -	(1) Increase estimated at \$31,794 annually for judicial salary and benefits, (2) additional personnel expenses estimated at \$500,000 annually plus the cost of benefits, (3) capital improvements costs uncertain

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

\* The bill provides that the existing part-time judge elected in 2005 is to serve as the full-time judge until the end of the judge's term.

\*\* The terms of the two additional court of common pleas judgeships will begin January 5, 2009, and January 6, 2009, respectively.

- City of Marysville costs.*** Starting with calendar year (CY) 2007 (the first full year of the full-time judgeship), the annual amount that the City of Marysville will expend to support the conversion of their part-time municipal court judge to full-time status will increase by \$18,585 (the actual amount will be a function of the bill's effective date). The costs noted here do not reflect the actual salary and benefits of a full-time municipal court judge, but rather the difference in salary and benefits between a full-time judge and a part-time judge. Since the Marysville Municipal Court currently has a part-time municipal judge, the new costs borne by the City of Marysville will be the additional costs in the salary and benefits of a full-time judge.

- **Union County costs.** Starting with CY 2007 (the first full year of the full-time judgeship), the annual amount that Union County will expend to support their portion of the conversion of the part-time Marysville Municipal Court judge to full-time status will increase by \$12,390 (the actual amount will be a function of the bill's effective date). The costs noted here do not reflect the actual salary and benefits of a full-time municipal court judge, but rather the difference in salary and benefits between a full-time judge and a part-time judge. Since the Marysville Municipal Court currently has a part-time municipal judge, the new costs borne by Union County will be the additional costs in the salary and benefits of a full-time judge.
- **City of Delaware costs.** Starting with calendar year (CY) 2008, the annual amount that the City of Delaware will expend to support the additional full-time municipal court judge will total \$43,719.
- **Delaware County costs.** Starting with CY 2008, the annual amount that Delaware County will expend to support their portion of the new full-time municipal court judge will total by \$29,146.
- **Holmes County costs.** Starting with FY 2007, the annual amount that Holmes County expends in judicial compensation costs will increase by an estimated \$30,975. The costs noted here do not reflect the actual salary and benefits of a full-time municipal court judge, but rather the difference in salary and benefits between a full-time municipal court judge and a part-time county court judge. Since Holmes County currently has a part-time county court judge, the new costs borne by Holmes County will be the additional costs in the salary and benefits of a full-time municipal court judge.
- **Related prosecution and judicial system costs.** As of this writing, LSC fiscal staff has acquired no information suggesting that the bill's provisions relative to the duties of the Holmes County Clerk of Courts, as well as those of local prosecutors, in particular the Holmes County Prosecuting Attorney, will create significant fiscal effects for Holmes County and affiliated jurisdictions. In addition, it does not appear that Holmes County will need to hire any additional judicial system-related staff or undertake any capital improvements.
- **Millersburg Mayor's Court.** The practical effect by the bill's establishment of the Holmes County Municipal Court in the Village of Millersburg is to abolish the Millersburg Mayor's Court. As of this writing, the magnitude of the potential fiscal effect on the Village of Millersburg in terms of the revenues that might otherwise have been collected and retained by the Village, as well as the operating expenses of the Mayor's Court that might otherwise have been incurred, is uncertain.
- **Summit County Court of Common Pleas judgeships.** Starting with FY 2009, the annual salary and benefits for the new judgeships to be added to the Summit County Court of Common Pleas will cost Summit County \$31,794, which is comprised of an estimated \$24,000 in annual base salary plus fringe benefits. According to information provided by court administrative staff roughly one year ago, an additional common pleas court judge would require the hiring of three support staff (one bailiff, one staff attorney, and one judicial assistant), estimated to cost \$250,000 per year plus fringe benefits, and that, as courtroom

space already existed, no capital expenditures were anticipated. For the purposes of this fiscal analysis, lacking any information readily at hand, LSC fiscal staff assumes that the second additional judgeship will also require the hiring of three support staff for an annual cost of similar magnitude. As of this writing, it is unclear to LSC fiscal staff as to whether sufficient courtroom space exists to add the second judgeship without undertaking some capital improvements.

---

## *Detailed Fiscal Analysis*

### Overview

For the purposes of this fiscal analysis, the bill most notably:

- Changes the status of the judge of the Marysville Municipal Court from part-time to full-time on the effective date of the bill.
- Adds one judge to the Delaware Municipal Court, term to begin January 2008.
- Creates the Holmes County Municipal Court to replace the Holmes County County Court effective January 1, 2007.
- Creates a full-time municipal court judge for the Holmes County Municipal Court.
- Abolishes the Millersburg Mayor's Court.
- Designates the Holmes County Clerk of Courts as the clerk of the Holmes County Municipal Court.
- Requires the Holmes County Prosecuting Attorney to prosecute all violations of state law arising in Holmes County and authorizes the Prosecuting Attorney to enter into agreements with the County's municipal corporations to prosecute violations of their municipal ordinances.
- Transfers all cases and employees from the Holmes County County Court to the Holmes County Municipal Court effective January 1, 2007.
- Adds two additional judges to the Summit County Court of Common Pleas, terms to begin in January 2009.
- Creates the Joint Committee to Study Court Costs and Filing Fees.

### *Marysville Municipal Court*

The bill changes the status of the sole judgeship of the Marysville Municipal Court from part-time to full-time, and permits the occupant of the full-time judgeship to be paid the salary of a full-time judge on or after the effective date of the bill. Therefore, the FY 2007 salary increase noted in this fiscal analysis below may be less than that amount depending on the effective date of the bill.

### **Judicial salary**

The annual salary of a judge of a municipal court judge consists of a state share and a local share paid by the county and municipality. The Supreme Court of Ohio estimates that, on January 1, 2007, the annual salary of the judge could be as high as \$112,425.<sup>23</sup> This cost will be split amongst the appropriate local jurisdictions and the state as follows:

- The *local share* of a municipal court judge's full salary is \$61,750, split between the City of Marysville (60% or \$37,050) and Union County (40% or \$24,700).
- The *state share* is equal to the annual salary (\$112,425) minus the local share (\$61,750), or \$50,675.

It should also be noted that Sub. H.B. 712 of the 123rd General Assembly provided annual salary increases each year from 2002 through 2008. The annual salaries of the judges and justices of the court will increase by the lesser of 3% or the percentage increase in the Consumer Price Index (CPI) over the 12-month period ending on September 30 of the previous year. In the case of judges for whom a portion of the salary is paid locally, the entire amount of the increase is added to the state share.

### **Retirement (PERS)**

State and local elected officials are exempt from membership in PERS (Public Employees Retirement System), unless they choose to become members. Most do. Therefore, this analysis includes PERS payments, which assumes that the full-time judge will contribute to PERS. The state and local PERS contributions are calculated as follows:

- The state contributes at the rate of 13.77% of its supplemental salary amount, while the county and the city each pays 13.55% on its base share amount.
- Under that PERS contribution formula, the City of Marysville will pay a total of \$5,020 ( $\$37,050 \times 13.55\%$ ) and Union County will pay \$3,347 ( $\$24,700 \times 13.55\%$ ) annually, while the state will contribute a total of \$6,978 ( $\$50,675 \times 13.77\%$ ) in FY2008, the first full state fiscal year of the full-time municipal court judge.

### **Other state contributions**

In addition to PERS, the state also makes contributions for other purposes, totaling approximately 8.23%, which includes 1.45% of gross salary for Medicare for all employees hired after April 1986, 0.1371% for workers' compensation, 0.28% for the administration of the Central Accounting System, and approximately 6.36% in health insurance contributions. It should be noted that the state's share in health insurance contributions has been increasing and is expected to continue increasing in the future. These miscellaneous annual contributions will cost the state \$4,171 ( $\$50,675 \times 8.23\%$ ) in FY 2008, the first full state fiscal year of the full-time municipal court judge.

---

<sup>23</sup> The 2006 salary of a municipal court judge is \$109,150. The salary could be increased by as much as 3% in January 2007, in which case the new salary could be as high as \$112,425.

**Summary of fiscal changes**

Since the Marysville Municipal Court currently has a part-time judge, the costs outlined above should not be considered "new" costs to the city, county, or state. This part-time judgeship will be changed to full-time, which entitles the occupant to a higher annual salary. Presumably, the change carries no local capital or additional staffing costs, as the existing part-time judge appears to be handling the type of workload associated with a full-time judge. The net increase of the change in costs to the state and local jurisdictions is outlined in the tables below.

**Ohio Supreme Court  
FY 2008 Costs<sup>+</sup>**

<b>Cost</b>	<b>Part-time Judge</b>	<b>Full-time Judge</b>	<b>Net Increase</b>
<b>Salary</b>	\$29,184*	\$50,675**	\$21,491
<b>PERS</b> (13.77% of salary)	\$4,019	\$6,978	\$2,959
<b>Other Contributions</b> (1.45% for Medicare + 0.1371% for workers' compensation + 0.28% for the administration of the Central Accounting System + approximately 6.36% in health insurance contributions = 8.23% of salary)	\$2,402	\$4,171	\$1,769
<b>Totals</b>	\$35,604	\$61,824	<b>\$26,219</b>

+ FY2008 represents the first full year of the full-time judgeship.

\* Total salary equaling \$64,684, of which \$35,500 is paid by the locals and the remainder is paid by the Supreme Court.

\*\* Total salary equaling \$112,425, of which \$61,750 is paid by the locals and the remainder is paid by the Supreme Court.

**City of Marysville  
CY 2007 Costs<sup>+</sup>**

<b>Cost</b>	<b>Part-time Judge</b>	<b>Full-time Judge</b>	<b>Net Increase</b>
<b>Salary</b>	\$21,300*	\$37,050**	\$15,750
<b>Administrative Judge Stipend</b> (\$1,500 prescribed by ORC 1901.11; 60% city/40% county split)	\$900	\$900	\$0
<b>PERS</b> (13.55% of salary)	\$2,886	\$5,020	\$2,134
<b>Other Contributions</b> (1.45% Medicare + 3% workers' compensation = 4.45% of salary)	\$948	\$1,649	\$701
<b>Totals</b>	\$26,034	\$44,619	<b>\$18,585</b>

+ CY 2007 represents the first full year of the full-time judgeship.

\* City of Marysville pays three-fifths of local share, which is \$35,500.

\*\* City of Marysville pays three-fifths of local share, which is \$61,750.

**Union County  
CY 2007 Costs<sup>+</sup>**

<b>Cost</b>	<b>Part-time Judge</b>	<b>Full-time Judge</b>	<b>Net Increase</b>
<b>Salary</b>	\$14,320*	\$24,700**	\$10,500
<b>Administrative Judge Stipend</b> ((\$1,500 prescribed by ORC 1901.11; 60% city/40% county split))	\$600	\$600	\$0
<b>PERS</b> (13.55% of salary)	\$1,924	\$3,347	\$1,423
<b>Other Contributions</b> (1.45% Medicare + 3% workers' compensation = 4.45% of salary)	\$632	\$1,099	\$467
<b>Totals</b>	\$17,356	\$29,746	<b>\$12,390</b>

<sup>+</sup> CY 2007 represents the first full year of the full-time judgeship.

\* Union County pays two-fifths of local share, which is \$35,500.

\*\* Union County pays two-fifths of local share, which is \$61,750.

**Delaware Municipal Court**

The bill adds one judge to the Delaware Municipal Court, with a term to begin January 2008.

**Judicial salary**

The annual salary of a municipal court judge consists of a state share and a local share paid by the county and municipality. The Supreme Court of Ohio estimates that, when the full-time municipal court judge takes office in January 2008, the annual salary of the judge could be as high as \$115,798.<sup>24</sup> This cost will be split amongst the appropriate local jurisdictions and the state as follows:

- The **local share** of a municipal court judge's full salary is \$61,750, split between the City of Delaware (60% or \$37,050) and Delaware County (40% or \$24,700).
- The **state share** is equal to the annual salary (\$115,798) minus the local share (\$61,750), or \$54,048.

It should also be noted that Sub. H.B. 712 of the 123rd General Assembly provided annual salary increases each year from 2002 through 2008. The annual salaries of the judges and justices of the court will increase by the lesser of 3% or the percentage increase in the Consumer Price Index (CPI) over the 12-month period ending on September 30 of the previous year. In the case of judges for whom a portion of the salary is paid locally, the entire amount of the increase is added to the state share.

<sup>24</sup> The 2006 salary of a municipal court judge is \$109,150. The salary could be increased by as much as 3% in January 2007 and again in January 2008, in which case the new salary could be as high as \$115,798.

### Retirement (PERS)

State and local elected officials are exempt from membership in PERS (Public Employees Retirement System), unless they choose to become members. Most do. Therefore, this analysis includes PERS payments, which assumes that the full-time judge elected to the Delaware Municipal Court will join PERS. The state and local PERS contributions are calculated as follows:

- The state contributes at the rate of 13.77% of its supplemental salary amount, while the county and the city each pays 13.55% on its base share amount.
- Under that PERS contribution formula, the City of Delaware will pay a total of \$5,020 ( $\$37,050 \times 13.55\%$ ) and Delaware County will pay \$3,347 ( $\$24,700 \times 13.55\%$ ) annually, while the state will contribute a total of \$7,442 ( $\$54,048 \times 13.77\%$ ) in FY 2009, the first full state fiscal year of the newly elected full-time municipal court judge.

### Other state contributions

In addition to PERS, the state also makes contributions for other purposes, totaling approximately 8.23%, which includes 1.45% of gross salary for Medicare for all employees hired after April 1986, 0.1371% for workers' compensation, 0.28% for the administration of the Central Accounting System, and approximately 6.36% in health insurance contributions. It should be noted that the state's share in health insurance contributions has been increasing and is expected to continue increasing in the future. These miscellaneous annual contributions will cost the state \$4,448 ( $\$54,048 \times 8.23\%$ ) in FY 2009, the first full state fiscal year of the newly elected full-time municipal court judge.

### Summary of fiscal changes

At the time of this writing, LSC fiscal staff has not had an opportunity to discuss or research any related capital improvement costs that may be needed in order to support the additional judge to take the bench on the Delaware Municipal Court. The current analysis does not include any extraneous costs that may be associated with this provision of the bill.

#### Ohio Supreme Court FY 2009 Costs<sup>+</sup>

Cost	Full-time Judge
Salary	\$54,048*
PERS (13.77% of salary)	\$7,442
Other Contributions (1.45% for Medicare + 0.1371% for workers' compensation + 0.28% for the administration of the Central Accounting System + approximately 6.36% in health insurance contributions = 8.23% of salary)	\$4,448
<b>Total</b>	<b>\$65,938</b>

+ FY 2009 represents the first full year of the full-time judgeship.

\* Total salary equaling \$115,798, of which \$61,750 is paid by the locals and the remainder is paid by the Supreme Court.

**City of Delaware  
CY 2008 Costs<sup>+</sup>**

Cost	Full-time Judge
<b>Salary</b>	\$37,050*
<b>PERS</b> (13.55% of salary)	\$5,020
<b>Other Contributions</b> (1.45% for Medicare + 3% for workers' compensation = 4.45% of salary)	\$1,649
<b>Total</b>	<b>\$43,719</b>
+ CY 2008 represents the first full year of the full-time judgeship.	
* City of Delaware pays three-fifths of local share, which is \$61,750.	

**Delaware County  
CY 2008 Costs<sup>+</sup>**

Cost	Full-time Judge
<b>Salary</b>	\$24,700*
<b>PERS</b> (13.55% of salary)	\$3,347
<b>Other Contributions</b> (1.45% for Medicare + 3% for workers' compensation = 4.45% of salary)	\$1,099
<b>Total</b>	<b>\$29,146</b>
+ CY 2008 represents the first full year of the full-time judgeship.	
* Delaware County pays two-fifths of local share, which is \$61,750.	

**Holmes County Municipal Court**

**Local court operating expenses generally**

Under current law, in the case of a county court and a county-operated municipal court, the county pays all of the court's operating expenses excluding the state's portion of the judicial and clerk of court salaries. This is the current funding structure for the Holmes County County Court and will be the funding structure for the Holmes County Municipal Court as well. Thus, excluding the aforementioned state supplemental compensation, Holmes County currently pays all of the existing county court's operating expenses and will pay all of the municipal court's operating expenses.

**Judicial salary**

The bill states that, effective January 1, 2007, the part-time judge of the Holmes County County Court that existed prior to the existence of the new Holmes County Municipal Court will be compensated at the rate equivalent to a full-time judge. The annual salary of a full-time municipal court judge consists of a state share and a local share. The Supreme Court of Ohio estimates that, on January 1, 2007, the annual salary of the judge could be up to \$112,425.<sup>25</sup> This cost will be split amongst the appropriate local jurisdictions and the state as follows:

<sup>25</sup> The 2006 salary of a municipal court judge is \$109,150. The salary could be increased by as much as 3% in January 2007, in which case the new salary could be as high as \$112,425.

- The *local share* of a full-time municipal court judge's full salary is \$61,750.
- The *state share* is equal to the annual salary (\$112,425) minus the local share (\$61,750), or \$50,675.

It should also be noted that Sub. H.B. 712 of the 123rd General Assembly provided annual salary increases each year from 2002 through 2008. The annual salaries of the judges and justices of the court will increase by the lesser of 3% or the percentage increase in the Consumer Price Index (CPI) over the 12-month period ending on September 30 of the previous year. In the case of judges for whom a portion of the salary is paid locally, the entire amount of the increase is added to the state share.

### **Retirement (PERS)**

State and local elected officials are exempt from membership in PERS (Public Employees Retirement System), unless they choose to become members. Most do. Therefore, this analysis includes PERS payments, which assumes that the full-time judge of the Holmes County Municipal Court will contribute to PERS. The state and local PERS contributions are calculated as follows:

- The state contributes at the rate of 13.77% of its supplemental salary amount, while the county pays 13.55% on its base share amount.
- Under that PERS contribution formula, Holmes County will pay \$8,367 annually, while the state will contribute a total of \$6,978 in FY 2008, the first full state fiscal year of the full-time municipal court judge.

### **Other state contributions**

In addition to PERS, the state also makes contributions for other purposes, totaling approximately 8.23%, which includes 1.45% of gross salary for Medicare for all employees hired after April 1986, 0.1371% for workers' compensation, 0.28% for the administration of the Central Accounting System, and approximately 6.36% in health insurance contributions. It should be noted that the state's share in health insurance contributions has been increasing and is expected to continue increasing in the future. These miscellaneous annual contributions will cost the state \$4,171 ( $\$50,675 \times 8.23\%$ ) in FY 2008, the first full state fiscal year of the full-time municipal court judge.

### **Summary of judicial compensation changes**

Since Holmes County currently has a part-time county court judge, the costs outlined above should not be considered "new" costs to the county or the state. This part-time judgeship will be changed to full-time, which entitles the occupant to a higher annual salary. The net increase of the change in costs to the state and Holmes County is outlined in the tables below.

**Ohio Supreme Court  
FY 2008 Costs<sup>+</sup>**

<b>Cost</b>	<b>Part-time Judge</b>	<b>Full-time Judge</b>	<b>Net Increase</b>
<b>Salary</b>	\$29,184*	\$50,675**	\$21,491
<b>PERS</b> (13.77% of salary)	\$4,019	\$6,978	\$2,959
<b>Other Contributions</b> (1.45% for Medicare + 0.1371% for workers' compensation + 0.28% for the administration of the Central Accounting System + approximately 6.36% in health insurance contributions = 8.23% of salary)	\$2,402	\$4,171	\$1,769
<b>Totals</b>	\$35,605	\$61,824	<b>\$26,219</b>

+ FY 2008 represents the first full year of the full-time judgeship.

\* Total salary equaling \$64,684 (estimated for 2007), of which \$35,500 is paid by Holmes County and the remainder is paid by the Supreme Court.

\*\* Total salary equaling \$112,425, of which \$61,750 is paid by Holmes County and the remainder is paid by the Supreme Court.

**Holmes County  
CY 2007 Costs<sup>+</sup>**

<b>Cost</b>	<b>Part-time Judge</b>	<b>Full-time Judge</b>	<b>Net Increase</b>
<b>Salary</b>	\$35,500*	\$61,750**	\$26,250
<b>PERS</b> (13.55% of salary)	\$4,810	\$8,367	\$3,557
<b>Other Contributions</b> (1.45% Medicare + 3% workers' compensation = 4.45% of salary)	\$1,580	\$2,748	\$1,168
<b>Totals</b>	\$41,890	\$72,865	<b>\$30,975</b>

+ CY 2007 represents the first full year of the full-time judgeship.

\* Holmes County pays local share, which is \$35,500.

\*\* Holmes County pays local share, which is \$61,750.

**Related prosecution and judicial system costs**

As of this writing, LSC fiscal staff has acquired no information suggesting that the bill's provisions relative to the duties of the Holmes County Clerk of Courts, as well as those of local prosecutors, in particular the Holmes County Prosecuting Attorney, will create significant fiscal effects for Holmes County and affiliated jurisdictions. In addition, it does not appear that Holmes County will need to hire any additional judicial system-related staff or undertake any capital improvements.

**Millersburg Mayor's Court**

The practical effect by the bill's establishment of the Holmes County Municipal Court in the Village of Millersburg is to abolish the Millersburg Mayor's Court. In general, Ohio law allows mayors of municipal corporations populated by more than 100 people where there is no municipal court to conduct mayor's court. These courts hear only cases involving violations of local ordinances and state traffic laws. As of this writing, the magnitude of the potential fiscal effect on the Village of Millersburg in terms of the revenues that might otherwise have been collected and retained by the Village, as well as the operating expenses of the Mayor's Court that might otherwise have been incurred, is uncertain.

### Summit County Court of Common Pleas judgeships

The bill adds two additional judges to the Summit County Court of Common Pleas to be elected in 2008, terms to begin January 5, 2009, and January 6, 2009, respectively.

#### Judicial compensation costs

**Base salary.** The annual salary of a judge of a court of common pleas consists of a state-paid share and a local share paid by the county as follows:

- The *local share* varies slightly depending on a county's population as determined by the decennial census. The local amount is based on 18 cents per capita in the county, but may not be less than \$3,500 or more than \$14,000.
- The *state share* is equal to the annual salary minus the local share. Substitute House Bill 712 of the 123rd General Assembly provided annual salary increases each year from 2002 through 2008. The annual salaries of the judges and justices of the court will increase by the lesser of 3% or the percentage increase in the Consumer Price Index (CPI) over the 12-month period ending on September 30 of the previous year. In the case of judges for whom a portion of the salary is paid locally, the entire amount of the increase is added to the state share.

If common pleas court judges receive a 3% pay increase in each of FYs 2007 and 2008, the adjusted salary could be as high as \$126,866 in FY 2009. Of that amount, based on the 2000 Census, Summit County will have to pay the maximum of \$14,000 as required under current law (Summit County population totals 542,899) for each additional judgeship. The state will cover the balance of each annual salary, which for the remainder of state FY 2009 (January 5, 2009 through June 30, 2009), amounts to \$56,433 for each additional judgeship. For FY 2010, the first full state fiscal year for the two additional Summit County Court of Common Pleas judgeships, the state will expend \$112,866 per judgeship.

#### Retirement

State and local elected officials are exempt from membership in PERS (Public Employees Retirement System), unless they choose to become members. Most do. Therefore, this analysis includes PERS payments, which assumes that the new judges added to the Summit County Court of Common Pleas join PERS. The state and local PERS contributions would work as follows:

- The state contributes at the rate of 13.77% of its supplemental salary amount, while the county pays 13.55% on its base share amount.
- Under that PERS contribution formula, Summit County will pay an estimated \$1,897 annually per judgeship, while the state will contribute an estimated \$15,542 in FY 2010 per judgeship, the first full state fiscal year of each of the two additional common pleas court judgeships.

### **Other state costs**

In addition to PERS, the state also makes contributions for other purposes, totaling approximately 8.23%, which includes 1.45% of gross salary for Medicare for all employees hired after April 1986, 0.1371% for workers' compensation, 0.28% for the administration of the Central Accounting System, and approximately 6.36% in health insurance contributions. It should be noted that the state's share in health insurance contributions has been increasing and is expected to continue increasing in the future. These miscellaneous annual contributions will cost the state an estimated \$9,289 ( $\$112,866 \times 8.23\%$ ) per judgeship in FY 2010, the first full state fiscal year of the two additional common pleas court judgeships.

### **Other Summit County costs**

According to information provided by court administrative staff roughly one year ago, an additional common pleas court judge would require the hiring of three support staff (one bailiff, one staff attorney, and one judicial assistant), estimated to cost \$250,000 per year plus fringe benefits, and that, as courtroom space already existed, no capital expenditures were anticipated. For the purposes of this fiscal analysis, lacking any information readily at hand, LSC fiscal staff assumes that the second additional judgeship will also require the hiring of three support staff for an annual cost of similar magnitude. As of this writing, it is unclear to LSC fiscal staff as to whether sufficient courtroom space exists to add the second judgeship without undertaking some capital improvements.

### **Joint Committee to Study Court Costs and Filing Fees**

The bill creates the Joint Committee to Study Court Costs and Filing Fees. The bill further states that the Committee members are to serve without compensation, but that the Ohio Legislative Service Commission and the employees of the Ohio Supreme Court shall provide staff support for the Committee. At the time of this writing, it is uncertain how much staff support the Committee will need. Presumably, there will be some costs involved in terms of staff time, equipment, and resources, but the magnitude of those associated costs is uncertain. Subsequent to submitting findings and recommendations not later than one year after the bill's effective date, the Committee ceases to exist.

*LSC fiscal staff: Jamie L. Doskocil, Budget Analyst*