



Ohio Prosecuting Attorneys Association

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House Bill 96 – As Passed by the House
Interested Party Testimony
May 7, 2025

Chair Manchester, Vice-Chair Brenner, Ranking Member Weinstein and members of the Senate Government Oversight and Reform Committee, thank you for the opportunity to address several matters in the Local Government portion of House Bill 96 that are of importance to Ohio Prosecutors.

Salary Adjustment

Our Association fully supports the inclusion of the salary adjustment for prosecutors, other county elected officials, township officials and judges that was added to the House version of the bill.

The bill provides for a 5% pay adjustment from 2026 – 2029 and up to a 3% cost of living adjustment thereafter. Due to the nature of the last pay adjustment legislation that was enacted in 2018, prosecutors, sheriffs, and judges have been receiving a 1.75% COLA since 2020 while other county elected officials have been receiving a 1.75% COLA since 2021. This 1.75% adjustment has not kept up with the records setting inflation over the same time period. We have great prosecutors in Ohio but it is increasingly difficult to attract and retain good lawyers to prosecution. Prosecutors work long hours dealing with difficult, often emotionally charged issues and a heavy workload. Private sector pay in the legal profession substantially outpaces what prosecutors are making. While no one expects to be paid on par with the private sector, pay must remain at least somewhat competitive and, at a minimum, should keep up with the cost of living so that prosecutors are not losing large chunks of salary to inflation. Good prosecutors are critical to promoting public safety in the state, securing justice for the victims of crime, helping to protect the constitutional rights of defendants, and providing good legal representation for county and township government.

We ask that you support the pay adjustment in House Bill 96.

County Budget Commission

Our Association opposes the removal of the county prosecutor from the county budget commission and replacing them with the president of board of county commissioners. This amendment was added to the bill as part of the omnibus amendment in the House. We believe the change is misguided.

More than anything, having the prosecutor on the budget commission is a benefit to the budget commission itself. The other members of the budget commission and the entities who are subject to the budget commission's authority value the perspective of the prosecutor, their knowledge of the law and what the law requires, and the stability and institutional knowledge that the prosecutor provides. We have heard that the

justification for this change in the makeup of the commission is that prosecutors often have conflicts of interest that require their recusal from budget commission matters. Conflicts are something that prosecutors deal with every day and budget commission conflicts are no different. It is simply not a reason to remove the prosecutor from the commission altogether. In addition, a commissioner will have conflicts of their own since they are required to approve all levies and are the funding authority for county government. Finally, while prosecutors do occasionally have conflicts on budget commission matters, it is our view that it is more prudent to have the prosecutor involved on the front end of budget commission decisions, where they may occasionally have to deal with a conflict of interest, than to take them off of the budget commission and have them involved only on the back end of decisions that have resulted in litigation that could have been avoided.

None of this is a criticism of our county commissioners but a recognition that the prosecuting attorney has a unique background that gives them a valued voice on the county budget commission. The current makeup of the commission provides necessary checks and balances with the county commissioners. We respectfully request that the prosecutor be kept on the budget commission.

Board of Revision – Limitations on Property Tax Challenges

The bill modifies the requirements governing when political subdivisions can file property tax complaints and counter-complaints. It requires subdivisions that fail to comply with property tax complaint filing requirements to pay the attorney's fees and costs incurred by the property owner in connection with the complaint. If the political subdivision fails to pay, the board of revision must notify the prosecutor who is then required to file a collection action against the political subdivision.

Some of these subdivisions – counties and townships – are the prosecutor's statutory clients. This provision will require the prosecutor to file a lawsuit against their own client to collect these attorney's fees and costs.

This creates an inherent conflict of interest for the prosecutor and we ask that the prosecutor not be involved in any collection action in these cases.

Thank you for your attention to these matters.