

# Fiscal Note & Local Impact Statement

127<sup>th</sup> General Assembly of Ohio

Ohio Legislative Service Commission  
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BILL: **Am. H.B. 89** DATE: **June 20, 2007**  
STATUS: **As Reported by Senate Judiciary--Civil Justice** SPONSOR: **Rep. Coley**  
LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**  
CONTENTS: **Charitable donation immunity**

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## State Fiscal Highlights

- The bill's charitable donation immunity provisions do not appear to have any direct and readily discernible effect on state revenues and expenditures.

## Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2007	FY 2008	FUTURE YEARS
<b>Counties and Municipalities</b>			
Revenues	Potential loss in filing and court service fees, likely to be more than offset by potential savings effect	Potential loss in filing and court service fees, likely to be more than offset by potential savings effect	Potential loss in filing and court service fees, likely to be more than offset by potential savings effect
Expenditures	Potential savings effect on court operations, magnitude may be no more than minimal	Potential savings effect on court operations, magnitude may be no more than minimal	Potential savings effect on court operations, magnitude may be no more than minimal

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

- Court operations.** From LSC fiscal staff's perspective, a possible consequence of the bill might be to reduce the filing of civil actions alleging harm in the context of a charitable donation, or, if filed, such civil actions might be more promptly adjudicated than might otherwise have been the case under current law and practice. Either outcome theoretically generates some form of operational savings realized in various involved courts resulting from a decrease in judicial dockets and in the related workload of other court personnel. If the impact on courts is not significant, as some have noted, then arguably the potential magnitude of the ongoing savings effect may be no more than "minimal." For the purposes of this fiscal analysis, minimal means an estimated savings of no more than \$5,000 for any affected court per year.
- Court filing and service fees.** If the number of tort actions filed were reduced or curtailed, then the courts may experience a loss in filing and court service fees. However, the savings realized by those courts in terms of their



personnel and related administrative costs associated with the processing of cases would likely be greater than any possible loss of court filing and service fee revenues.

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## ***Detailed Fiscal Analysis***

### **Charitable donations immunity**

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

- Modifies existing law's qualified immunity for donating perishable food for distribution to needy individuals.
- Expands existing law's qualified civil immunity for donations to an agency for distribution to individuals in need to include donations of consumer goods.
- Expands current law by providing qualified civil immunity to the agencies that distribute perishable food or consumer goods to individuals in need.

### **State fiscal effects**

It does not appear that the bill's charitable donation immunity provisions will noticeably affect the workload of any state agencies, boards, or commissions. Assuming that holds true, then the bill's donation immunity provisions do not appear to have any direct and readily discernible effect on state revenues and expenditures.

### **Local fiscal effects**

From the perspective of local civil justice systems, the most readily apparent effect of the bill's charitable donation immunity provisions may be to reduce the number of tort claims that might otherwise have been filed in a court of common pleas, municipal court, or county court. An additional possibility is that, if filed, such civil actions may be resolved more promptly than might otherwise have been the case under current law.

Based on conversations with representatives of the Ohio Association of Second Harvest Foodbanks, the Ohio State Bar Association, and the Judicial Conference of Ohio, it appears unlikely that the bill's effect on courts of common pleas, municipal courts, or county courts, if any, will be significant.

From LSC fiscal staff's perspective, a possible consequence of the bill might be to reduce the filing of civil actions alleging harm in the context of a charitable donation, or, if filed, such civil actions might be more promptly adjudicated than might otherwise have been the case under current law and practice. Either outcome theoretically generates some form of operational savings realized in various involved courts resulting from a decrease in judicial dockets and in the related workload of other court personnel. However, the precise magnitude of the resulting potential savings in annual operating costs for any given court of common pleas, municipal court, or county court is, at the time of this writing, a rather problematic calculation. If, as others have noted, the impact on courts is not significant, then arguably the potential magnitude of the ongoing savings effect may be no more than what LSC fiscal

staff refers to as "minimal." For the purposes of this fiscal analysis, minimal means an estimated savings of no more than \$5,000 for any affected court per year.

If the number of tort actions filed were reduced or curtailed, then the courts may experience a loss in filing and court service fees. However, the savings realized by those courts in terms of their personnel and related administrative costs associated with the processing of cases would likely be greater than any possible loss of court filing and service fee revenues.

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