



# Ohio Legislative Service Commission

*Jamie L. Doskocil*

---

## Fiscal Note & Local Impact Statement

---

**Bill:** [Am. H.B. 261 of the 130th G.A.](#)

**Date:** February 4, 2014

**Status:** As Passed by the House

**Sponsor:** Reps. Butler and Stinziano

**Local Impact Statement Procedure Required:** No

**Contents:** Court of Claims operations and disqualification of judges procedures

### State Fiscal Highlights

- The bill will result in an expenditure savings related to retired judges' per diems for the Court of Claims totaling approximately \$12,780 annually.

### Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

---

## **Detailed Fiscal Analysis**

The bill makes several changes to the operations of the Court of Claims, including the abolishment of the office of commissioner of the Court of Claims. The bill also eliminates and replaces the procedure for filing an affidavit of disqualification for a judge of a municipal or county court.

### **Commissioner of the Court of Claims**

The bill abolishes the office of commissioner of the Court of Claims and makes procedural changes to reflect the elimination of the panel of commissioners. The elimination of the Court of Claims panel of commissioners codifies administrative changes that took place at the end of calendar year 2012. Over the past several years, the number of appeals handled by the panel of commissioners has declined. The Court has six commissioners who are appointed by the Supreme Court of Ohio for six-year terms. However, last year, work of these six commissioners was roughly equal to approximately three full-time employees due to these declining caseloads. At the end of 2012, the panel of commissioners resigned. Instead of appointing new commissioners, their caseloads were transferred to three existing magistrates on staff. Since July, these magistrates have been carrying out these new duties at no additional cost to the Court of Claims. This transfer of duties is estimated to have saved the Court of Claims approximately \$90,000 annually, based on the previous year's expenditures.

### **Court of Claims per diems**

The bill changes the basis of the per diem compensation of a retired judge who serves on the Court of Claims from the annual compensation of a court of appeals judge to the annual compensation of a court of common pleas judge. Currently, the Court of Claims pays the per diem based on an hourly rate. The current hourly rate for a retired judge of a court of appeals is \$66. The rate for a retired judge of a court of common pleas is \$60 per hour. Based on budget projections and past caseload trends, the Court of Claims is expected to save \$12,780 annually as a result of reducing the current per diem rate by \$6 per hour.

### **Other changes to the Court of Claims**

The bill also makes several other administrative changes to the operations of the Court of Claims, including transferring the powers of a judge of the Court of Claims to the court and specifying certain powers of a Court of Claims magistrate. None of these changes are expected to impact the revenues or expenditures of the Court.

## **Disqualifications for judges**

The bill eliminates the current procedure for filing an affidavit of disqualification for a judge of a municipal or county court and instead includes the disqualification of a judge of a municipal or county court, and a judge of the court of claims within the procedure for filing an affidavit of disqualification for a probate judge, judge of a court of appeals, and a judge of the court of common pleas. This change will have no direct fiscal effect on political subdivisions.

HB0261HP.docx/th