

# Fiscal Note & Local Impact Statement

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

Ohio Legislative Service Commission  
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BILL: **H.B. 256** DATE: **November 7, 2007**  
STATUS: **As Introduced** SPONSOR: **Rep. Wagoner**  
LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**  
CONTENTS: **Establishes the Office of Public Access Counselor in the Court of Claims**

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### State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
<b>General Revenue Fund (GRF)</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Estimated \$496,400 one-time office start-up costs	Estimated \$365,029 increase in office operating expenses	Estimated \$365,029 increase in office operating expenses

Note: The state fiscal year is July 1 through June 30. For example, FY 2008 is July 1, 2007 – June 30, 2008.

- **Court of Claims (Public Access Counselor)**. According to information provided by staff of the Court of Claims, the Court will need to hire at least five full-time employees to perform the duties and responsibilities assigned to the Counselor as follows: the Public Access Counselor, one staff attorney, one investigator, one administrative assistant, and one support staff person. The projected annual operating costs total \$365,029, including payroll expenses of \$281,930. The one-time costs to establish the Office of the Public Access Counselor, including equipment, are expected to total approximately \$496,400.

### Local Fiscal Highlights

- **Political subdivisions of the state**. Theoretically, the bill will lead to certain public access complaints being directed for resolution by the state. Such an outcome would potentially save, or reduce the magnitude of, resources that local jurisdictions might otherwise have expended in responding to resolving such complaints.



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## ***Detailed Fiscal Analysis***

### **Overview**

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

- Creates the Office of the Public Access Counselor in the Court of Claims to handle complaints pertaining to alleged violations of the Open Meetings Law and the Public Records Law.
- Permits a person to file a formal or informal complaint with the Counselor before commencing an action in court under public access laws.
- Establishes procedures for the handling of formal and informal complaints by the Counselor.
- Requires the Counselor to issue an advisory opinion on a formal complaint.
- Authorizes courts to enforce an agreement reached between a complainant and a public entity following the filing of a complaint.
- Authorizes a person who files a formal or informal complaint with the Counselor to withdraw the complaint at any time by giving the Counselor written notice of the withdrawal.
- Prohibits a person who commences a mandamus action in court under the Public Records Law from thereafter filing a related complaint with the Counselor.
- Allows statutory damages and attorney's fees under the Public Records Law only if the court finds certain circumstances present related to actions of the Counselor.

### **State fiscal effects**

#### **Office of the Public Access Counselor in the Court of Claims**

The bill establishes the Office of the Public Access Counselor in the Court of Claims to receive complaints and issue advisory opinions concerning public access laws. The Counselor is also charged with assisting the Attorney General in developing and providing public access law training programs and seminars, making recommendations to improve public access laws, and submitting an annual report to certain parties.

According to information provided by staff of the Court of Claims, the Court will need to hire at least five full-time employees to perform the duties and responsibilities assigned to the Counselor as follows: the Public Access Counselor, one staff attorney, one investigator, one administrative assistant, and one support staff person. The projected annual operating costs total \$365,029, including payroll expenses of \$281,930. The one-time costs to establish the Office of the Public Access Counselor, including equipment, are expected to total approximately \$496,400. (Attachment A, located at the end of this document, contains a more detailed description of the costs predicted by the Court of Claims.)

Staff at the Court of Claims provided LSC fiscal staff with operating expenses and workload data from other states that employ the use of a public records office (see Table 1 immediately below). Of the four states that were surveyed, most had a handful of staff; the sole exception was Connecticut with 19 staff.

**Table 1  
States Surveyed with Public Records Office**

<b>State*</b>	<b>Estimated 2006 Population</b>	<b>Number of Staff</b>	<b>Annual Operating Expenses</b>	<b>Complaints/Inquiries</b>	<b>Written Advisory Opinions</b>	<b>Training Sessions Conducted</b>
Indiana	6,313,520	2	\$153,570	2,097	251	24
Illinois**	12,831,970	4	\$288,000	988	No data	53
Connecticut	3,504,809	19	\$1,705,635	650	202	55
New York	19,306,183	4	\$350,000	6,569	907	95

\* Ohio's estimated 2006 population is 11,478,006.

\*\* Illinois - Operating Expenses are payroll costs only and do not include two pending staff attorney positions. Projected payroll costs with two staff attorneys total \$428,800.

**Local fiscal effects**

Theoretically, the bill will lead to certain public access complaints being directed for resolution by the state. Such an outcome would potentially save, or reduce the magnitude of, resources that local jurisdictions might otherwise have expended in responding to resolving such complaints.

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

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## Office of Public Access Counselor

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*Projected Office Costs*

Class	Class Description	Projected Annual Costs	Projected Start-Up Costs	Total Projected 1st Year Costs
5010	Payroll for 5 FTEs	\$281,930		
5100	Purchased Personal Services:			
	Website Development		\$60,000	
	Website Maintenance	\$6,032		
5120	Training	\$2,482		
	<b>Personal Services Subtotals:</b>	<b>\$290,444</b>	<b>\$60,000</b>	<b>\$350,444</b>
5210	Supplies, Materials & Minor Expenditures	\$8,148	\$150,000	
5220	Motor Vehicles	\$310		
5230	Travel	\$6,248		
5240	Communications & Shipping	\$2,901		
5260	Maintenance & Repairs	\$12,288	\$93,000	
5270	Rentals	\$6,473		
5280	Printing, Binding & Advertising	\$1,066	\$8,000	
5290	General & Other Expenses	\$6,744		
	<b>Supplies &amp; Maintenance Subtotals:</b>	<b>\$44,178</b>	<b>\$251,000</b>	<b>\$295,178</b>
5311	Office Equipment	\$9,860	\$125,400	
5320	Motor Vehicles (Purchase)		\$20,000	
5340	Telecommunications Equipment Purchase		\$2,800	
5371	Data Processing Equipment	\$14,566	\$27,500	
5381	Copying & Printing Equipment	\$5,981	\$9,700	
	<b>Equipment Subtotals:</b>	<b>\$30,407</b>	<b>\$185,400</b>	<b>\$215,807</b>
<b>TOTALS:</b>		<b>\$365,029</b>	<b>\$496,400</b>	<b>\$861,429</b>

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JParks/Court of Claims

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