

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **H.B. 365** DATE: **April 30, 2008**
STATUS: **As Introduced** SPONSOR: **Rep. Evans**
LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**
CONTENTS: **Limitations on bills specifying new or increased jail terms, prison terms, or delinquent child commitments**

State Fiscal Highlights

STATE FUND	FY 2009	FY 2010	FUTURE YEARS
General Revenue Fund and Other State Funds			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential one-time increase, minimal at most	- 0 -	- 0 -

Note: The state fiscal year is July 1 through June 30. For example, FY 2009 is July 1, 2008 – June 30, 2009.

- **Task force.** Task force members will serve without compensation, but are to be reimbursed for actual expenses incurred in performing their duties, for example, travel, parking, lodging, and meals. The bill is silent as to who is responsible for covering these reimbursable expenses. The bill is also silent on the matter of who would provide the task force with any services and support necessary to perform its duties. The task force's operating expenses are best viewed as one-time in nature and likely to be no more than minimal, which means an estimated cost to the state of less than \$100,000.
- **General Assembly and Legislative Service Commission.** The bill's requirements relative to actions of the General Assembly and duties of LSC have no direct state fiscal effect.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions of the state.



Detailed Fiscal Analysis

Overview

From a fiscal perspective, the bill most notably:

- Establishes limitations on bills specifying a new or increased jail term, prison term, or delinquent child commitment.
- Requires the Legislative Service Commission (LSC) to include in its fiscal analyses an estimate for the cost of the term or commitment.
- Creates a task force to establish a state policy to limit, and plan for, future increases in the number of criminal offenders in correctional facilities and delinquent children in Department of Youth Services facilities.

State fiscal effects

Limitations on the General Assembly regarding certain bills

The bill places limitations on the General Assembly relative to bills specifying new or increased jail terms, prison terms, or delinquent child commitments, including: (1) requiring the designation of the source of funds from which the confinement costs will be paid, (2) prohibiting a committee from reporting, or either chamber from passing, a bill that fails to designate the source of funds, and (3) providing that the failure to comply with these limitations is an invalid action and any person may bring an action to enforce the requirements. The direct fiscal effect of these provisions may be to increase decision-making costs in order for a committee or chamber to comply with the limitations that would be placed on certain bills.

Arguably, relative to state and local fiscal effects, the notable feature of the limitations may be more indirect, as members presumably would have to consider the cost of confinement and how those costs would be paid. The manner in which future revenues and expenditures of the state or any of its political subdivisions might be affected is uncertain and difficult to predict.

LSC fiscal analysis

The bill requires LSC to prepare a fiscal analysis, including a cost estimate, for any bill that establishes a new or increased confinement for a new or existing criminal prohibition. Under current law, LSC fiscal staff: (1) prepares fiscal notes on various bills to inform members of the General Assembly of the estimated cost of implementing a proposed bill and the probable fiscal impact of the bill, and (2) prepares local impact statements for each bill appearing to affect the expenditures of a county, municipal corporation, township, school district, or other governmental entity. All of this information is distributed to members under a single document formally known as LSC's *Fiscal Note & Local Impact Statement*. As the bill's provisions do not fundamentally alter the manner in which fiscal analysis of legislation is currently performed, there will be no fiscal effect on LSC.

Task force

The bill requires that not later than 90 days after the bill's effective date, the Governor and the General Assembly create a task force of "a reasonable number of members" to establish a policy to limit, and plan for, future increases in the number of criminal offenders incarcerated in prisons and jails and the number of delinquent children committed to the custody of the Department of Youth Services. Not later than one year after the effective date of the bill, the task force is required to submit a report to certain legislative leaders and the Governor, after which it ceases to exist.

Operating expenses. Task force members will serve without compensation, but are to be reimbursed for actual expenses incurred in performing their duties, for example, travel, parking, lodging, and meals. The bill is silent as to who is responsible for covering these reimbursable expenses. The bill is also silent on the matter of who would provide the task force with any services and support necessary to perform its duties. The task force's operating expenses are best viewed as one-time in nature and likely to be no more than minimal, which means an estimated cost to the state of less than \$100,000.

Local fiscal effects

The bill has no discernible direct fiscal effect on political subdivisions of the state.

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