

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **Am. H.B. 537** DATE: **December 8, 2008**
STATUS: **As Passed by the House** SPONSOR: **Rep. Oelslager**
LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**
CONTENTS: **Referrals for adjudication of civil actions or proceedings to retired judges**

State Fiscal Highlights

- The bill will have no direct effect on state revenues and expenditures.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2009 – FUTURE YEARS
Common Pleas, Municipal, and County Courts	
Revenues	Potential loss in court costs and filing fees, likely to be offset by savings effect
Expenditures	Potential cost savings effect, annual magnitude dependent upon number of civil actions referred to a retired judge

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

- **Certain local courts.** Presumably, if a civil action is referred to a retired judge, a potential savings effect is created for the common pleas, municipal, or county court that would otherwise have had to adjudicate the matter. LSC fiscal staff is unable to discern for any affected court whether the number of additional civil actions referred to a retired judge, as a result of the bill, will be, relative to that court's total caseload, small or large. Thus, the annual magnitude of the potential savings effect for any affected court is uncertain. It is also likely to be the case that, in each instance that a civil action is referred to a retired judge, the affected court forfeits court costs and filing revenues that might otherwise have been collected if the court had been required to adjudicate the matter. This potentially lost revenue would be offset by the above-noted expenditure savings effect.



Detailed Fiscal Analysis

Overview

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

- Permits that a civil action can be referred to a retired judge for consideration and adjudication to be tried and determined by a jury presided over by the retired judge.
- Requires that the parties to a referred civil action assume responsibility for providing, and will pay the costs for, facilities, equipment, personnel, and other support reasonably necessary for the retired judge or jury to consider the action.
- Requires that the parties to a referred civil action pay the fees of jurors if the action is settled before the jurors are sworn.
- Requests the Supreme Court of Ohio to modify certain civil procedure rules and related forms.

Local fiscal effects

Common pleas, municipal, and county courts

Current law specifies the circumstances and conditions under which a civil action may be referred to a retired judge. The bill contains several changes to current law intended generally to increase the likelihood that the parties to certain civil actions may mutually agree to the utilization of the referral process, an agreement that would include paying for all of the associated costs.

Presumably, if a civil action is referred in this manner, a potential savings effect is created for the common pleas, municipal, or county court that would otherwise have had to adjudicate the matter. The annual magnitude of that savings effect for any affected court will be dependent upon the number of civil actions that are referred to a retired judge. LSC fiscal staff is unable to discern for any affected court whether the number of additional civil actions referred to a retired judge, as a result of the bill, will be, relative to that court's total caseload, small or large. Thus, the annual magnitude of the potential savings effect for any affected court is uncertain.

It is also likely to be the case that, in each instance that a civil action is referred to a retired judge, the affected court forfeits court costs and filing revenues that might otherwise have been collected if the court had been required to adjudicate the matter. This potentially lost revenue would be offset by the above-noted expenditure savings effect.

State fiscal effects

The bill contains an uncodified law provision wherein the General Assembly respectfully requests the Supreme Court of Ohio to modify certain civil procedure rules and related forms. Based on a conversation with a Supreme Court staff member, LSC fiscal staff discerned that: (1) the Supreme Court routinely updates rules and related forms, and (2) if the Supreme Court were to comply with the General Assembly's request, the one-time costs would easily be absorbed within its day-to-day costs of doing business.

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