

Court of Claims

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- Current staffing and service levels to be maintained
- Additional moneys will be dedicated to equipment purchases

OVERVIEW

Duties and Responsibilities

The doctrine of sovereign immunity provides that the state cannot be sued without its consent. Pursuant to Am. Sub. H.B. 800 of the 110th General Assembly, effective January 1, 1975, the state waived its immunity from all suits of whatever nature and created the Court of Claims in which the suits were to be heard. Under former law, the Sundry Claims Board, a nonjudicial administrative board, handled claims against the state.

The Court's current duties and responsibilities can be summarized as follows:

- ***Civil actions filed against the state.*** The Court has original, exclusive jurisdiction over all civil actions (i.e., contract disputes, personal injury, property damage, immunity of state officers and employees, discrimination, and wrongful imprisonment) filed against the state of Ohio and its agencies.
- ***Victims of crime appeals.*** The Court hears appeals from decisions made by the Attorney General on claims allowed under the Victims of Crime Law.
- ***Wrongful imprisonment claims.*** The Court acts as the state's fiduciary agent for processing claims of wrongful imprisonment.

Agency in Brief

The following table selectively summarizes Court appropriations and staffing information.

Agency In Brief					
Number of Employees*	Total Appropriations-All Funds		GRF Appropriations		Appropriation Bill(s)
	2008	2009	2008	2009	
45	\$4.34 million	\$4.42 million	\$2.76 million	\$2.84 million	Am. Sub. H.B. 119

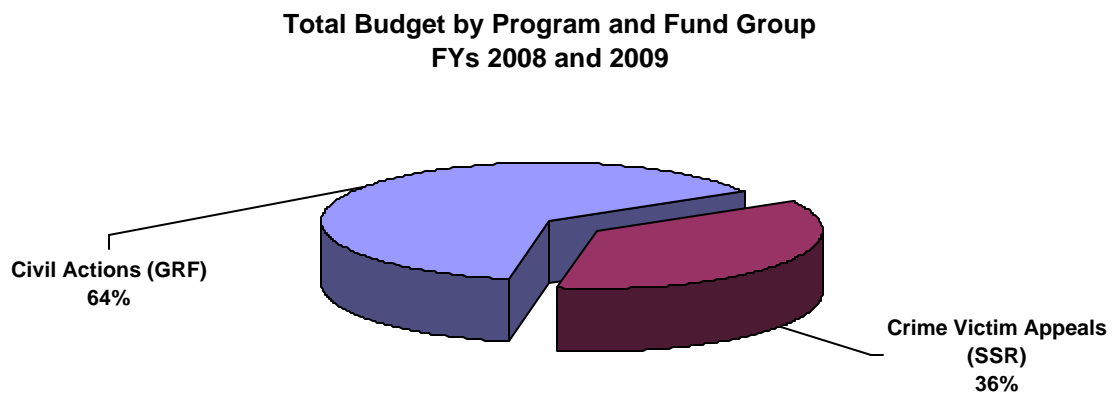
*Employee count obtained from the Department of Administrative Services (DAS) payroll reports as of June 15, 2007. For the Court of Claims, this count includes the following number and category of employees: 29 full-time permanent, 2 full-time temporary, 4 intermittent, 9 part-time permanent, and 1 part-time temporary.

For the FY 2008 - 2009 biennium, the enacted budget appropriates sufficient funding for the Court to maintain FY 2007 staffing and service levels. While the Court has no programmatic expansions planned, the funding will also allow the Court to make cost-of-living salary adjustments, as well as to make various equipment purchases including office furniture, videoconferencing equipment, copiers and printers, and other information technology-related equipment.

Also of note is that the Court's budget includes a GRF line item for which funds are never appropriated in the main operating appropriations act: line item 015-402, Wrongful Imprisonment Compensation. The line item's funds are transferred from the Controlling Board's budget on an as-needed basis to pay individuals who have been judged wrongfully imprisoned in the state of Ohio. When a wrongful imprisonment judgment has been journalized in a court of common pleas, the Controlling Board, upon certification by the Court of Claims, transfers the sum necessary to the line item.

Expense by Program and Fund Group Summary

The pie chart immediately below shows the Court's total enacted appropriations (FYs 2008 and 2009) by program and fund group. This information includes moneys appropriated from the General Revenue Fund (GRF) and the State Special Revenue (SSR) Fund Group.



ANALYSIS OF THE ENACTED BUDGET

For the purposes of this analysis of the enacted budget for the Court of Claims, it is considered a single program series agency, whose services and activities can be generally divided into two distinct programs.

Single Program Series

Court of Claims

Purpose: To hear and determine all civil actions against the state of Ohio and its agencies and to administer appeals for the Ohio Victims of Crime Compensation Program

The following table shows the line items that are used to fund the Court of Claims, as well as the appropriated funding levels.

Fund	ALI	Title	FY 2008	FY 2009
General Revenue Fund				
GRF	015-321	Operating Expenses	\$2,758,681	\$2,841,441
General Revenue Fund Subtotal			\$2,758,681	\$2,841,441
State Special Revenue Fund				
5K2	015-603	CLA Victims of Crime	\$1,582,684	\$1,582,684
State Special Revenue Fund Subtotal			\$1,582,684	\$1,582,684
Total Funding: Court of Claims			\$4,341,365	\$4,424,125

This analysis focuses on the following specific programs within the Court of Claims program series:

- **Program 1.01: Civil Actions**
- **Program 1.02: Crime Victim Appeals**

Program 1.01: Civil Actions

Program Description: The Court of Claims was created by the passage of the Court of Claims Act in 1975. The Court's authority is contained in Chapter 2743. of the Revised Code. The Court serves as the court of original, exclusive jurisdiction over all civil actions filed against the state of Ohio and its agencies.

Funding Source: GRF

Implication of the Budget: When civil cases are filed against the state, the affected state agency and not the Court pay judgments against the state; thus, the Court's GRF funds go only to cover its annual operating expenses. The amount of GRF funding received by the Court should allow it to maintain FY 2007 staffing and service levels for the FY 2008 - 2009 biennium. While the Court has no programmatic expansions planned, the funding will allow it to make cost-of-living salary adjustments, as well as to make various equipment purchases, including office furniture, videoconferencing equipment, copiers and printers, and other information technology related equipment.

Program 1.02: Crime Victim Appeals

Program Description: The Victims of Crime Act, contained in sections 2743.51 to 2743.72 of the Revised Code, established the Victims of Crime Compensation Program in 1976. Individuals suffering personal injury as the result of criminal conduct are eligible to apply for compensation. This compensation includes, but is not limited to, medical expenses, work loss, unemployment benefits loss, and replacement services. Dependents may receive awards for economic loss, replacement services loss, and certain funeral expenses incurred after a victim's death. The maximum award is \$50,000 per victim per incident. Prior to FY 2001, the Court essentially controlled the program. As of FY 2001, the Court's involvement in the program was reduced to hearing appeals of decisions made by the Office of the Attorney General.

Funding Source: Cash transferred from the Office of the Attorney General's Victims of Crime Fund (Fund 402), also known as the Reparations Fund

Implication of the Budget: The Court essentially received continuation funding to perform its role as the appellate authority for the Victims of Crime Compensation Program. This means that the enacted budget provides a level of funding that should be sufficient to pay for the Court's annual costs associated with its appellate role, including payroll expenses.

FY 2008 - 2009 Final Appropriation Amounts

All Fund Group

Line Item Detail by Agency

FY 2007 Adj. **FY 2008** **% Change** **FY 2009** **% Change**
FY 2005: **FY 2006: Appropriations:** **Appropriations:** **2007 to 2008:** **Appropriations:** **2008 to 2009:**

Report For: Main Operating Appropriations Bill

Version: Enacted

CLA Court of Claims

GRF	015-321	Operating Expenses	\$ 2,364,164	\$ 2,548,355	\$ 2,678,331	\$ 2,758,681	3.00%	\$ 2,841,441	3.00%
GRF	015-402	Wrongful Imprisonment Compensation	----	\$ 2,357,877	\$ 2,500,000	\$ 0	-100.00%	\$ 0	N/A
General Revenue Fund Total			\$ 2,364,164	\$ 4,906,232	\$ 5,178,331	\$ 2,758,681	-46.73%	\$ 2,841,441	3.00%
5K2	015-603	CLA Victims of Crime	\$ 1,063,527	\$ 1,221,627	\$ 1,582,684	\$ 1,582,684	0.00%	\$ 1,582,684	0.00%
State Special Revenue Fund Group Total			\$ 1,063,527	\$ 1,221,627	\$ 1,582,684	\$ 1,582,684	0.00%	\$ 1,582,684	0.00%
Court of Claims Total			\$ 3,427,691	\$ 6,127,859	\$ 6,761,015	\$ 4,341,365	-35.79%	\$ 4,424,125	1.91%