

Executive

As Passed By House

In Senate Finance

CLACD1 Court of Claims procedure for Open Meetings Law violations

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		R.C. 2743.76, 121.22, 2323.52, 2743.03, 2746.04
(1) No provision.	(1) No provision.	(1) Creates a procedure within the Court of Claims to hear complaints alleging a violation of the Open Meetings Law.
(2) No provision.	(2) No provision.	(2) Allows the Court to assign a special master to refer the case to mediation or to proceed with the case and submit a report and recommendation to the Court.
(3) No provision.	(3) No provision.	(3) Requires that any appeal from an order of the Court be taken to the court of appeals of the appellate district where the principal place of business of the public body that is alleged to have violated the Open Meetings Law is located.
(4) No provision.	(4) No provision.	(4) Allows a court of appeals to award reasonable attorney's fees to an aggrieved person if the court determines that the public body violated the Open Meetings Law and obviously filed the appeal with the intent to delay compliance with the Court of Claims' order or to unduly harass the aggrieved person.
(5) No provision.	(5) No provision.	(5) Provides that a determination that a public body violated the Open Meetings Law does not void or invalidate any actions taken by the public body.
(6) No provision.	(6) No provision.	(6) Provides that all filing fees collected by a clerk of the common pleas court are to be paid to the county treasurer for deposit into the county general revenue fund.
(7) No provision.	(7) No provision.	(7) Provides that all filing fees collected by the clerk of the Court of Claims are to be kept by the Court of Claims to assist in paying for its costs to implement the above-described provisions.

Fiscal effect: Increase in Court of Claims' operating

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expenses of approximately \$705,000 annually, with an additional \$34,000 in one-time costs; Potential savings effect for courts of common pleas; Minimal annual gain in filing fee revenue for state and counties.

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DASCD29 DAS insurance program		
R.C. 9.821, 9.822, 9.83, 2743.01, 2743.02, 2743.15, 2743.16, and 2743.19	R.C. 9.821, 9.822, 9.83, 2743.01, 2743.02, 2743.15, 2743.16, and 2743.19	R.C. 9.821, 9.822, 9.83, 2743.01, 2743.02, 2743.15, 2743.16, and 2743.19
Declares the administration of the state's Risk Management Program to be a public duty for purposes of the Sovereign Immunity/Court of Claims Law.	Same as the Executive.	Same as the Executive.
No provision.	No provision.	Expands the state's liability insurance program to cover agents of the state in addition to officers and employees of the state.
Replaces the requirement that the state purchase fidelity bonds for state agents and employees with authority to self-insure itself and third parties against loss due to dishonest acts of state officers, employees, and agents.	Same as the Executive.	Same as the Executive.
Authorizes the Office of Risk Management to administer a judicial liability program.	Same as the Executive.	Same as the Executive.
Requires public official bonds to be purchased when statutorily required.	Same as the Executive.	Same as the Executive, but expressly requires DAS to purchase surety bonds, fidelity bonds, performance bonds, or public official bonds, and expressly states that this requirement does not authorize DAS to issue or underwrite such bonds.
Expands the authority of the state and political subdivisions to insure against liability, from the losses attributable to the operation of specified vehicles during the course of official duties to any loss that occurs in the course of employment or official responsibilities.	Same as the Executive.	Same as the Executive.
Specifies that recoveries against the state are to be reduced by other recoveries the claimant is entitled to, as opposed to just those other recoveries the claimant has received.	Same as the Executive.	Same as the Executive.

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Prohibits a claim against the state from being filed in the Court of Claims until the claimant has attempted to have the claim compromised by the Office of Risk Management or satisfied by the state's liability insurance.	Same as the Executive.	Same as the Executive.
Specifies that the authority to commence an action against an officer or employee of the state does not affect the immunity provided to state officers or employees in law.	Same as the Executive.	Same as the Executive.
Requires an instrumentality of the state to notify the Office of Risk Management of any settlement or compromise made in a claim against the instrumentality for the purpose of reserving funds.	Same as the Executive.	Same as the Executive.
Requires a copy of a settlement instrument to be forwarded to the Office of Risk Management for payment from the Risk Management Reserve Fund.	Same as the Executive.	Same as the Executive.
Specifies that the authority of DAS to compromise claims does not extend to compromising claims on behalf of agency programs with direct settlement authority.	Same as the Executive.	Same as the Executive.
Specifies that all compromises made by the Office of Risk Management are to be paid from the Risk Management Reserve Fund and the conditions of such payment.	Same as the Executive.	Same as the Executive.
Specifies that information related to claims against the state is to be held in confidence, is not to be released, and is not subject to discovery or introduction in evidence in any federal or state civil action.	Same as the Executive.	Same as the Executive.
Requires a copy of a judgement against the state to be forwarded to the Office of Risk Management for the judgement to be paid from the Risk Management Reserve Fund.	Same as the Executive.	Same as the Executive.

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Requires DAS to administer a "crime and bond" program.

No provision.

Replaces the Executive provision with one that requires DAS to administer a "crime insurance" program.

Fiscal effect: Liability claims against the state under the self-insurance program are paid from the Risk Management Reserve Fund (Fund 1300). Expansion of the state's self-insurance liability program will likely result in increased expenditures from Fund 1300. However, allowing additional claims to be paid from this reserve may ease budgetary complications an insured entity may suffer in the event of having to pay a large settlement from otherwise appropriated funds. May somewhat reduce the volume of cases before the Court of Claims, thereby reducing the workload of the Court to adjudicate such cases and the Attorney General to defend the state in those cases. The magnitude of any decrease will depend on the number of cases resolved through the Office of Risk Management.

Fiscal effect: Same as the Executive.

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