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## Synopsis of Senate Amendments

### H.B. 286 of the 134<sup>th</sup> General Assembly

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#### Senate Judiciary Committee

#### Appeals of administrative orders

Restructured and modified the provisions of the House-passed version of the bill so that the provisions (R.C. 119.12 and R.C. 303.65; R.C. 303.57 replaced; Section 3 removed):

1. Retain and modify current law that requires that appeals of orders of specified agencies must be to the Franklin County Court of Common Pleas or, as added, the county in which the place of business of the licensee is located or in which the licensee is a resident.
2. Retain and modify current law that requires, instead of permits, appeals from orders of the fire marshal be to the court of common pleas of the county in which the aggrieved person's building is located.
3. Retain current law pertaining to appeals from a decision of the State Personnel Board of Review or a municipal or civil service township civil service commission.
4. Require, instead of permit as under current law, that appeals from specified administrative orders by any party who is not a resident of and has no place of business in Ohio must be to the Franklin County Court of Common Pleas.
5. Retain and modify current law providing that any party adversely affected by any agency order issued pursuant to any other adjudication may appeal to the Franklin County Court of Common Pleas or, as added, the county in which the business of the party is located or in which the party is a resident.
6. Make technical revisions to replace R.C. 303.57 with R.C. 303.65, and to remove Section 3 as no longer applicable.

#### Hamilton County Drug Court jurisdiction

Replaced the statutory provisions that specify the types of cases that may be referred to the Drug Court of the Hamilton County Court of Common Pleas with a provision that specifies that: (1) eligibility for admission of a case into the Drug Court is to be set forth in a local rule adopted by the Common Pleas Court, and (2) the local rule may not permit referral to the Drug Court of a case that involves a first or second degree felony, a violation of a prohibition

contained in the Sex Offenses chapter that is a third degree felony, or aggravated murder or murder (R.C. 2301.03).

Replaced the statutory provision that authorizes the Hamilton County Municipal Court to refer a case to the Drug Court if the case is of a type covered under the existing statutory provisions replaced by the amendment, as described above, with a provision that authorizes the Municipal Court to refer a case to the Drug Court if the case is of a type eligible for admission into the Drug Court under the local rule adopted by the Common Pleas Court, as described above (R.C. 1901.041).

## **Jurisdiction of Tiffin-Fostoria Municipal Court and Bowling Green Municipal Court – Perry Township**

Transferred Perry Township in Wood County from the territorial jurisdiction of the Tiffin-Fostoria Municipal Court to the territorial jurisdiction of the Bowling Green Municipal Court (R.C. 1901.02 and R.C. 1901.021 and Section 3).

## **State involvement in legal actions**

### **Intervention by the General Assembly**

Added provisions that allow the General Assembly or either chamber to intervene as a matter of right in any state or federal action or proceeding that involves a challenge to the validity, applicability, or constitutionality of a statute or a provision of the Ohio Constitution (R.C. 101.55).

### **Legal counsel for General Assembly or Governor**

Added provisions that (R.C. 101.55, R.C. 107.13, and R.C. 109.02):

1. Allow the Speaker of the House of Representatives and the President of the Senate to retain legal counsel other than from the Attorney General to represent the General Assembly or either chamber in certain proceedings.
2. Allow the Governor similarly to retain legal counsel other than from the Attorney General to represent the Governor in certain proceedings.

## **Senate Floor**

Reinstated existing law so that, notwithstanding any other R.C. provision, a person who challenges an order or rule issued or adopted by an administrative department, administrative department head, state agency, or statewide elected officer in response to a state of emergency, in a civil action for damages, declaratory judgment, injunctive relief, or other appropriate relief may do so in an appropriate court located in the county where the person's residence or business is located – the bill's current provision, removed by the amendment, changes existing law to require that the challenge be in a civil action in the Court of Claims (R.C. 107.43).