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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 286
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 286's Bill Analysis](#)

Version: As Reported by House Rules and Reference

Primary Sponsor: Rep. Seitz

Local Impact Statement Procedure Required: No

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Highlights

- The number of administrative appeals heard in the Franklin County Court of Common Pleas and related administrative expenses will decrease, while the number of administrative appeals and related administrative expenses will increase for courts of common pleas in other counties. The likely annual magnitude of any decrease or increase is minimal.
- There are likely to be travel-related costs for state agencies and the Attorney General to appear in person at appeals hearings in counties outside of Franklin County.
- The number of civil actions that could be filed in the Court of Claims instead of local trial courts because of future state of emergencies is unforeseeable.

Detailed Analysis

Appeals of administrative orders

The bill modifies current law by generally providing that a party adversely affected by an order of an agency may appeal the order to the court of common pleas of the county in which the place of business of the party is located or the county in which the party is a resident, eliminating current law that certain appeals must be made to the Franklin County Court of Common Pleas.^{1, 2}

¹ See the LSC bill analysis for a complete list of agencies and appeals.

² Current law, unchanged by the bill, allows any party appealing an order of an agency that is not a resident of and has no place of business in Ohio to appeal to the Franklin County Court of Common Pleas.

These changes will decrease the number of administrative appeals heard in the Franklin County Court of Common Pleas and increase the number heard in other courts of common pleas. The magnitude of the case shift is likely to be minimal relative to the total caseload of courts of common pleas generally.

There are likely to be increased costs for personnel of affected state agencies and the Attorney General to travel for in-person appeals hearings in counties outside of Franklin County. Any cost increases are dependent upon the volume of cases heard outside of Franklin County. Those costs could be minimized to the degree that the court has the capability to, and permits, video-conferencing rather than requiring that parties to the appeal appear in person.

Challenge of administrative order responding to state of emergency

The bill authorizes a person who challenges a state administrative order or rule issued or adopted in response to a state of emergency, in a civil action for damages or other appropriate relief, to do so in the Court of Claims, instead of the county where the person's residence or business is located as under current law. The number of civil actions that, because of future state of emergencies, could be filed in the Court of Claims instead of local trial courts is unforeseeable.

No claim preclusion in zoning appeals

The bill provides that, for zoning appeals, a final decision on the merits from a court does not preclude later claims for damages. The bill states that the change is intended to override the federal Sixth Circuit Court of Appeals' decision in *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 2021). As this provision returns the appeal of decisions of certain local boards and commissions to the status quo before that court decision, it has no apparent direct fiscal effect on the state or political subdivisions.