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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**H.B. 286**  
**134<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

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

**Version:** As Reported by House Civil Justice

**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.
- The bill's changes to the prosecution of public administration offenses generally will decrease the number of criminal cases heard in the Franklin County Court of Common Pleas and the Franklin County Municipal Court and increase the number heard in other local trial courts. The magnitude of the case shift is likely to be minimal relative to the total caseload of trial courts generally. Any additional costs for a county prosecutor will depend on the frequency of such cases and their complexity.
- 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 indeterminate.

### **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.<sup>1, 2</sup>

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.

## **Venue in prosecution of offense against public administration**

The bill requires an offense against public administration to be prosecuted by the county prosecutor, regardless of offense level, and to be tried in the county of the offender's residence at the time of the offense. The bill defines an offense against public administration as any of the following:

- An offense committed by a state officer or a state employee in connection with the powers and duties of the officer's or employee's state office or state employment;
- An offense committed by a state officer or a state employee in connection with the powers and duties of the officer's or employee's state office or state employment or by a candidate for state office; or
- An offense committed in connection with a campaign for or the holding of any state office or in connection with an election on a proposed constitutional amendment, or any other proposition or issue submitted to voters.

Additionally, the bill allows the alleged offender to file a motion to have the case prosecuted in the county in which the conduct allegedly occurred and allows a prosecuting attorney to recuse self for good cause. If the prosecuting attorney does recuse, the bill requires the attorney to be replaced by a prosecuting attorney from another county, appointed by the judges of the court of appeals located in the county served by the recused prosecuting attorney.

These changes will decrease the number of criminal cases heard in the Franklin County Court of Common Pleas and the Franklin County Municipal Court and will increase the number heard in other criminal courts. The magnitude of the case shift is likely to be minimal relative to the total caseload of trial courts generally. Any additional costs for a county prosecutor will depend on the frequency of such cases and their complexity. It is unclear, in the case of a self-recusal, as to whether a county prosecuting attorney appointed from another county would be eligible for cost reimbursement, and by whom.

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<sup>1</sup> See the LSC bill analysis for a complete list of agencies and appeals.

<sup>2</sup> 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.

## **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 indeterminate.

## **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 (6<sup>th</sup> 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.