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Office

S.B. 311
(with AM2297-1)
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for S.B. 311's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Sens. McColley and Roegner

Local Impact Statement Procedure Required: No

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Highlights

- The Ohio Department of Health (ODH) would realize an increase in administrative costs to seek any extensions of orders made by the Director. ODH could also experience an increase in administrative costs for rule promulgations.
- The Joint Committee on Agency Rule Review (JCARR) could realize a minimal increase in administrative costs to review requests and rules from the Director of Health. These costs should be absorbed with existing staff and budget.
- Courts of common pleas could realize an increase in court filings and a subsequent increase in associated administrative costs. These costs will depend on the number of citizens that seek a court order that the Director of Health comply with the bill.

Detailed Analysis

Director of Health orders

The bill immediately rescinds the portion of the Director of Health's order issued April 30, 2020, requiring individuals to stay home and requiring or continuing the closure of businesses. The bill specifies that all other orders or portions of orders issued by the Director on or after April 29, 2020, cease to be effective 14 days after the bill takes effect, unless the Joint Committee on Agency Rule Review (JCARR) approves extensions of those orders by a specified vote. JCARR is required to consider information submitted by a board of health regarding the impact of an extension on the board's jurisdiction. The bill prohibits specified future orders of the Director from being effective for more than 14 days unless, at the Director's request, JCARR approves an extension by that same vote. The bill also requires certain future orders of the Director to be signed by the Governor. The bill specifies that the Director may make certain public health rules to prevent the spread of disease only in accordance with the Administrative Procedure Act, and is prohibited from making emergency rules, rule amendments, or

rescissions under the Act. Under the bill, any Ohio citizen is given standing to seek a court order that the Director comply with the bill's requirements, and specifies that the citizen is not required to prove that irreparable harm will result if the court does not issue the order. The bill also prohibits executive action that would prohibit in-person high school graduations or restrict in-person high school graduations in specified ways.

Fiscal impact

The Ohio Department of Health (ODH) would realize an increase in administrative costs to seek any extensions of orders made by the Director. There could be other impacts to local and state governments. However, the impacts would depend on the number and scope of the orders in place and whether or not the Director sought and received an extension. ODH could also experience an increase in administrative costs for rule promulgations. It appears likely that JCARR can utilize existing staff and resources to absorb any additional work and related costs incurred to review requests from the Director of Health to extend an order for more than 14 days. Prior to the current COVID-19 epidemic, the issuing of orders by the Director was relatively infrequent.

Courts of common pleas could also be impacted due to the bill's provisions. Any filings related to the bill are likely to be relatively infrequent such that the courts are likely to absorb utilizing existing staff and resources.

The bill declares an emergency, thus, any fiscal impacts may be realized immediately upon enactment of the bill.