

## 67 House District

Delaware County

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## Kris Jordan State Representative

## Committees

Financial Institutions, Chair  
Ways and Means  
Public Utilities

Chairman Wiggam, Vice Chair Stephens, Ranking Member Kelly, and members of the State and Local Government Committee, thank you for the opportunity to testify today on HB 676. We have all been hearing each and every day from business owners back in our districts who feel unfairly held back from safely opening during this declared state of emergency.

In almost all cases, these business owners understand the need for some level of public health orders to protect both their customers and employees. However, the most common cry for help I've been hearing for at least the past few weeks is from business owners who simply don't understand why they remain shut down, or what they can do to re-open.

Even, or especially, in these strange new times of COVID, it is imperative that we maintain fair and equitable due process for businesses subject to public health orders. This bill ensures we have the capacity to do just that, and that that process happens locally.

Under HB 676, 12 "state and local government accountability appeal boards" will be created. Their areas of responsibility will overlap with the 12 judicial court of appeals districts - ensuring that appeals are heard locally, or at least regionally, rather than by a centralized committee in Columbus.

Any business may file an appeal to their local Government Accountability Board alleging that a particular state or local government regulation or policy will unnecessarily hinder, obstruct, or prevent the continuation of business. This includes large and small companies, LLCs, sole proprietorships, partnerships, and other professional associations.

When a business files an appeal with a Government Accountability Board, the board must either hold a hearing within 14 days, or else resolve the issue using "alternative dispute resolution".

This alternative dispute resolution process should help settle many appeals without the need for more expensive, time consuming, and convoluted legal processes.

The goal is to find a satisfactory agreement both parties (business and government) can accept. The agreement is only enforceable if both parties agree to enter into the process, and agree to the same terms. If that is achieved, the case is closed and the board takes no further action. The agreement is then enforceable.

The other option is for the board to hold a hearing on the appeal. Again, this must happen within 14 days of the appeal being filed. The boards will be considered public entities under Ohio's Sunshine Laws, ensuring transparency.

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In order to arrive at the most informed decision, this bill gives the Government Accountability Boards a number of investigatory powers, including subpoena power, compelling testimony under oath, and requiring access to documents, premises, or other evidence. There are checks in the bill to provide due process, and the bill explicitly states the boards shall comply with the fourth amendment to the US constitution relating to unreasonable searches and seizures.

Importantly, any party claiming to be aggrieved by a final order of a Board may obtain a judicial review of the order. This will occur in the common pleas court in which the Board is located. The Board must file all evidence it has collected to that point with the court. The court transcript will then include the Board proceedings. The findings of the Board as to the facts will be conclusive, unless the court takes issue with the evidence used. The court is permitted to collect additional evidence as necessary. When the court rules, the court order is final and violations will be punishable as contempt.

The bill requires that all suits brought before the State and Local Government Accountability Boards must be heard and determined as expeditiously as possible. The bill also contains an emergency clause.

Thank you for allowing me the time to explain the merits of this bill. I believe the need for an expedited mediation process is readily apparent to all of us, and I look forward to the discussion on this bill.