



Phil Mullin

## *Bill Analysis*

Legislative Service Commission

### **H.B. 468**

124th General Assembly  
(As Introduced)

**Reps. Trakas, Carey, Britton, Fessler, Hartnett, Hagan, Seitz, D. Miller, Schmidt, Roman, Schaffer**

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#### **BILL SUMMARY**

- Exempts private single-family residential dwelling architectural plans in the possession of a public agency from inspection and copying as a public record, subject to certain exceptions.

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#### **CONTENT AND OPERATION**

##### **Current law**

The Public Records Law generally defines a public record as any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units. (See **COMMENT.**) Certain types of records and information in records are not included in this definition and, thus, generally are not covered by the Public Records Law's requirements. (Sec. 149.43(A)(1).) The Public Records Law generally requires custodians of public records (1) to promptly prepare them and make them available for public inspection at all reasonable times during regular business hours and (2) to make copies of them available at cost, within a reasonable period of time, and in accordance with specified choice of medium and mailing procedures (sec. 149.43(B)).

##### **Changes proposed by the bill**

The bill generally excludes from the definition of a "public record" and, thus, from the Public Records Law's requirements architectural plans, other than site plans, for private single-family residential dwelling houses, as described in the remainder of this paragraph (sec. 149.43(A)(1)(v)). The bill provides that private single-family dwelling architectural plans in the possession of a public agency are confidential and must not be published or be open to public inspection or copying, except (1) to the extent necessary for public agencies and public officials to administer their statutory duties and (2) when the owner of a private single-family

dwelling submits to a public agency architectural plans that include a request for a variance from the local building code (sec. 3781.51). Apparently, when either of these exceptions applies, the architectural plans are subject to inspection and copying under the Public Records Law.

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## COMMENT

Section 149.011 defines several terms for use in Revised Code Chapter 149., including the Public Records Law:

(a) "Public office" includes any "state agency" (see below), public institution, political subdivision, or any other organized body, office, agency, institution, or entity established by Ohio law for the exercise of any function of government.

(b) "State agency" includes every department, bureau, board, commission, office, or other organized body established by the Ohio Constitution or Ohio law for the exercise of any function of state government, including any state-supported institution of higher education, the General Assembly, or any legislative agency, any court or judicial agency, or any political subdivision or agency thereof.

(c) "Records" includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-15-02	pp. 1229-1230

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