



Phil Mullin

Bill Analysis
Legislative Service Commission

H.B. 563

124th General Assembly
(As Introduced)

Reps. Metzger, Hollister, R. Miller, Raga, Flowers, Hoops, Allen, Patton, Hagan, Otterman, Britton, Fessler, Roman, Schuring, Jolivette, Setzer, Schmidt, Perry, S. Smith, Sullivan, Lendrum, Cirelli, Reidelbach, Damschroder

BILL SUMMARY

- Makes the records of the Ohio Historical Society subject to the Public Records Law and the meetings of the Society's Board of Trustees subject to the Open Meetings Law.
- Requires the Auditor of State to conduct a fiscal audit of the Society every year and a performance audit of the Society every five years.
- Requires the Society to conduct a public hearing before (1) acquiring any interest in, selling, leasing, closing to the public, or changing access to (a) land on which is located a historic or archeological site or state memorial or (b) any building or structure that is a component of a historic or archeological site or state memorial or (2) renovating such a building or structure.

CONTENT AND OPERATION

Public Records 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 that custodians of public records (1) promptly prepare them and make them available for public inspection at all reasonable times during regular business hours and (2) 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)).

The bill provides that records kept by the Ohio Historical Society are public records for purposes of the Public Records Law (secs. 149.30 and 149.43(A)(1)).

Open Meetings Law

The Open Meetings Law specifies that, subject to certain exceptions, all meetings of any public body are to be public meetings open to the public at all times (sec. 121.22(C), (D), (E), (G), and (J)). For purposes of this law, "public body" generally means (1) any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, (2) any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution, and (3) any committee or subcommittee of a body described in item (1) or (2) above (sec. 121.22(B)(1)(a)). Failure of a public body to adopt a resolution, rule, or formal action of any kind in an open meeting, or a public body's adoption in an open meeting of a rule, resolution, or formal action that results from deliberations in a meeting closed to the public, invalidates the rule, resolution, or formal action (sec. 121.22(H)).

The bill provides that the Board of Trustees of the Ohio Historical Society is a public body for purposes of the Open Meetings Law (secs. 121.22(B)(1)(a) and 149.30).

Audits of the Ohio Historical Society

Current law requires the Auditor of State to audit all funds and fiscal records of the Ohio Historical Society. The bill requires this *financial audit* to be done *each year*. (Sec. 149.30.)

The bill also requires the Auditor of State, *beginning in the year following its effective date and every five years thereafter*, to conduct a *performance audit* of the Society. The performance audit must evaluate the Society's effectiveness in performing the "public functions" that existing law and the bill (see below) require the Society to perform, and the General Assembly must appropriate sufficient funds for the performance audit. In a year in which a financial audit and a performance audit are to be conducted, the Auditor of State must conduct both audits; an independent certified public accountant must not be engaged to conduct them. (Sec. 149.30.)

Required public hearings by the Ohio Historical Society

The bill requires the Ohio Historical Society, as an additional "public function," to conduct a public hearing not later than 60 days prior to (1) acquiring any interest in, selling, leasing, closing to the public, or changing public access to (a) any land on which is located a historic or archeological site or state memorial or (b) any building or structure that is a component of a historic or archaeological site or state memorial, or (2) renovating such a building or structure. "Renovating" is defined as not including routine maintenance for normal operational upkeep. Not later than 30 days prior to conducting the public hearing, the Society must provide public notice of it in the newspaper with the largest circulation in the county in which the land, building, or structure is located. (Sec. 149.30(R).)

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, any legislative agency, any court or judicial agency, or any political subdivision or agency of a political subdivision.

(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.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-22-02	p. 1658
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