

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: H.B. 389

DATE: October 13, 1999

STATUS: As Introduced

SPONSOR: Rep. Austria

LOCAL IMPACT STATEMENT REQUIRED: No — Minimal cost

CONTENTS: Permits the release of library record or patron information to parent, guardian, or custodian of minor child and in certain other situations

State Fiscal Highlights

STATE FUND	FY 2000	FY 2001	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase
State Universities and Colleges			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2000 is July 1, 1999 – June 30, 2000.

- Potential minimal increase in State Library of Ohio expenditures if the state library board determines that administrative and procedural changes are necessary to carry out the bill.
- Potential minimal increase in expenditures by state universities and colleges deeming that administrative and procedural changes are necessary to accommodate the operation of the bill.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2000	FY 2001	FUTURE YEARS
Public Library Systems			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase
School Districts			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential minimal increase	Potential minimal increase	Potential minimal increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.



- Potential minimal increase in expenditures by public library districts and public schools deeming that administrative and procedural changes are necessary to accommodate the operation the bill.

Detailed Fiscal Analysis

The bill provides that library records and patron information are confidential but may be disclosed in four specific instances:

- (a) When a request for such confidential information is made by the parent, guardian, or custodian of a minor child
- (b) A court with jurisdiction over a civil or criminal trial issues an order which compels a library to release such information for use in court proceedings
- (c) Upon request or consent of the individual who is the subject of the record or information
- (d) For library administrative purposes

The bill poses potential minimal increases in state and local government expenditures for additional time spent by library staff servicing requests for library records and patron information. There are approximately 5,000 public and private library entities throughout Ohio. Effected instrumentalities of the state are the State Library of Ohio and state colleges and universities. State government entities currently enjoy a level of computer technology that is commensurate to the operation of the bill. Therefore, any increases in expenditures reflect the additional workload encumbered by staff, considered minimal, necessary to fulfill the request.

The bill effects all 250 public library districts in the state that for 1998 had 7,582,029 patrons with a circulation of 98,082,717 items. There are also approximately 3,800 public schools as well as some locally governed collegiate institutions. As with the state-governed libraries, these holders of literary works and related items will realize a minimal increase in expenditure for administrative and procedural adjustments.

There are 922 private learning institutions and approximately 130 special libraries throughout Ohio. Special libraries are those defined by the bill in Section 149.432 (A)(1)(d). Examples of special libraries include Rutherford B. Hayes Presidential Center, Global Issues Resource Center and Battelle Memorial Institute Library. These entities do not fall under the auspice of state or local government control but are affected nonetheless by the bill. The fiscal effect is the same as entities operating under state or local government control, which is minimal.

Procedures for handling requests for library records and patron information vary. One library governing body may permit the release of such information, while another may not. The requirements of how a person identifies him/herself as the parent, guardian, or custodian of a minor child also vary between libraries. The Public Library of Cincinnati and Hamilton County crosscheck relationships by having the requestor verbalize the minor child's personal identifiers. Another may require photo identification along with supporting documentation of the minor child's relation to the requestor. The bill does not enumerate procedures for releasing confidential information, so the procedures expressed by surveyed parties would seem sufficient

to carry out the requirements of the bill. Potential minimal increase in expenditures can be expected for those libraries that do not currently have procedures in place that comply with the operation of the bill.

It is important to note that most of the libraries accounted for in this analysis do not maintain historical records of items previously loaned to patrons. The few libraries that may maintain historical information probably maintain such records on file cards. The advent of computer technology has increased the level of customer service by replacing paper records with barcodes and computer databases. A much more common practice is to maintain only computerized circulation records, in other words, records of what item/s patrons currently have out on loan. The item is deleted from the patron's record once it has been returned. Therefore, it is impossible to know what a patron had out on loan even as little as one day after they have returned the item. If libraries were required to maintain historical records, they would incur significant expenditures attributable to reprogramming of circulation databases.

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