

Fiscal Note & Local Impact Statement

123rd General Assembly of Ohio

BILL: **Sub. S.B. 78**

DATE: **June 24, 1999**

STATUS: **As Reported by House Ethics and Standards**

SPONSOR: **Sen. Oelslager**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **Requires public offices to provide public records in the medium requested by the public and to mail records if requested in certain circumstances**

State Fiscal Highlights

STATE FUND	FY 2000	FY 2001	FUTURE YEARS
General Revenue Fund			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
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.

- State agencies could incur costs to provide public documents upon request via any medium in which the document(s) can be reasonably duplicated.
- State agencies could incur costs to send public records by U.S. mail, but would receive corresponding reimbursement revenues for those costs.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1999	FY 2001	FUTURE YEARS
Political Subdivisions			
Revenues	Potential minimal gain	Potential minimal gain	Potential minimal gain
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.

- Political subdivisions could incur costs to provide public documents upon request via any medium in which the document(s) can be reasonably duplicated.
- Political subdivisions could incur costs to send public records by U.S. mail, but would receive corresponding reimbursement revenues for those costs.



Detailed Fiscal Analysis

Requiring public records to be provided on any medium in which they can be reasonably duplicated and via U.S. mail could increase costs for state government and for political subdivisions. For example, agencies may have to fax documents when previously the requester would have to go to the agency and obtain a copy in person.

Additional costs could be minimal, as the bill only requires public officials to provide a record in a particular medium if the public office has the technology, as an integral part of its normal operations, for duplicating the public record upon that medium. This means that a public office would not have to incur costs to obtain technology in order to provide a document in a particular medium.

In addition, the Ohio Supreme Court has already held that if a requested public record is kept on computer tapes or other useful format and a person presents a legitimate reason why a paper copy is insufficient or impracticable, the public office must allow the person to copy the computerized form if that person assumes the expense of such copying.

The bill also minimizes the fiscal impact on public agencies by allowing public offices to charge fees to cover the cost of mailing documents. Public offices would be allowed to require that payment be made in advance before a document is sent via U.S. mail. In addition, the bill allows the public office to limit the number of requests that can be made by mail for commercial purposes to 10 records per month.

In some instances, the bill could reduce the costs of providing a record by increasing the instances where a document is provided via a medium that is relatively inexpensive compared to current methods. For example, sending a document electronically via e-mail could be less expensive than making a paper copy of a document.

The bill requires that a journalist seeking certain peace officer residential and/or familial information provide a written request for such documentation. The request shall be directed to the agency employing the peace officer and shall include the journalist's name, title, and the name and address of the journalist's employer. The request must also include a statement that disclosure of such information is in the public's interests. This provision poses minimal fiscal effect upon state and local agencies.

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