



Ohio Legislative Service Commission

Bill Analysis

Abby McMahon

Am. H.B. 423

131st General Assembly
(As Passed by the House)

Reps. Perales, Butler, Hackett, Henne, T. Johnson, M. O'Brien, S. O'Brien, Landis, Retherford, Rezabek, Schaffer, Terhar, Hambley, Amstutz, Anielski, Antonio, Arndt, Baker, Barnes, Bishoff, Boccieri, Boose, Boyce, Boyd, Brenner, Brown, Buchy, Burkely, Celebrezze, Conditt, Craig, Cupp, Derickson, Dever, Dovilla, Driehaus, Fedor, Ginter, Green, Grossman, Hagan, Hall, Hayes, Hill, Huffman, G. Johnson, Koehler, Kunze, LaTourette, Leland, Lepore-Hagan, Maag, Manning, McClain, McColley, Patterson, Ramos, Reece, Roegner, Rogers, Ruhl, Ryan, Scherer, Schuring, Sears, Sheehy, Slaby, Sprague, Strahorn, Sweeney, Sykes, Thompson, Young

BILL SUMMARY

- Exempts from disclosure under the Public Records Act orders for active military service or other documentation about the call to order of an individual serving or with previous service in the United States Armed Forces and their reserves, or in the Ohio organized militia.
- Mandates that a call to order or other documentation regarding a call to order becomes a public record 15 years after the published date or effective date of the call to order.

CONTENT AND OPERATION

Call to service orders exempted from disclosure

The Public Records Act requires a public office or person responsible for public records to promptly prepare a public record when requested and make it available to the requester for inspection at all reasonable times during regular business hours, or to make copies of the requested public record available to the requester at cost and within a reasonable period of time. The bill adds orders for active military service or other documentation regarding the call to order of an individual serving or with previous service in the United States Armed Forces, including a reserve component, or the Ohio organized militia (the Ohio National Guard, Ohio Naval Militia, and the Ohio Military Reserve) to the list of records that are **not** "public records," thus exempting these call to

service orders from disclosure under the Act. However, the bill provides that a call to order or other documentation regarding a call to order becomes a public record 15 years after the published date or effective date of the call to order.¹ In other words, the public record exemption "sunsets" for each call to order or other documentation about a call to order 15 years after the published date or effective date of the call to order.

The Public Records Act applies to all "public offices," meaning any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by the laws of this state for the exercise of any function of government, except for the nonprofit corporation commonly known as JobsOhio.² A "public record" is a record kept by any public office, including state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by the nonprofit or for-profit entity operating the alternative school.³ A "record" includes any document, device, or item, regardless of physical form or characteristic, including an electronic record, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, that serves to document the office's organization, functions, policies, decisions, procedures, operations, or other activities.⁴

HISTORY

ACTION	DATE
Introduced	01-07-16
Reported, H. State Gov't	05-12-16
Passed House (96-0)	05-18-16

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¹ R.C. 149.43(A)(1)(dd); R.C. 5923.01, not in the bill.

² R.C. 149.011(A), not in the bill.

³ R.C. 149.43(A)(1).

⁴ R.C. 149.011(G), not in the bill.

