



OHIO LEGISLATIVE SERVICE COMMISSION

Terry Steele

Fiscal Note & Local Impact Statement

Bill: S.B. 139 of the 132nd G.A.

Status: As Passed by the Senate

Sponsor: Sens. Skindell and Eklund

Local Impact Statement Procedure Required: No

Subject: Establishes requirements for official legal material that is published electronically

State Fiscal Highlights

- The bill enacts the Uniform Electronic Legal Material Act, which establishes requirements for certain state agencies that publish official versions of legal materials. It is unclear how the bill's requirements exceed the current procedures of the impacted state agencies. However, any additional costs to state agencies to comply with the bill appear to be minimal.

Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.

Detailed Fiscal Analysis

The bill enacts the Uniform Electronic Legal Material Act, which specifies requirements for state agencies that publish official versions of legal materials in electronic format and provides for those records to be presumed authentic when they are used in court. The bill applies to all electronic legal material that is designated as official and is first published electronically on or after the bill's effective date. The LSC Bill Analysis provides detail on which state agencies are designated as the official publishers of those materials.

The bill requires the publisher of an official legal material to do the following: (1) authenticate the record by providing a method for a user to determine that the record received from the publisher is unaltered from the official record, (2) provide for the preservation and security of the record in an electronic or nonelectronic form, (3) ensure the integrity and continuing usability of the material, (4) provide for backup and disaster recovery of the record, and (5) ensure that the material is reasonably available for use by the public on a permanent basis. In doing such, the bill requires that the publisher of those materials consider: (1) standards and practices of other jurisdictions, (2) the most recent standards regarding the authentication of, preservation and security of, and public access to, legal material in an electronic record, (3) the needs of users of legal material in an electronic record, (4) the views of governmental officials

and entities and other interested persons, and (5) to the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material that are compatible with the methods used by other official publishers in Ohio and other states.

Overall, the bill's requirements may increase costs to various state agencies choosing to publish official legal material electronically if those agencies are not currently engaging in the processes specified in the bill. The extent to which the bill's requirements exceed the current procedures of the impacted state agencies is uncertain. However, any additional costs to those agencies resulting from the bill appear to be minimal.

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