



Ohio Legislative Service Commission

122nd Final Bill Analysis

Effective Date update from the LSC Status Sheet: 01/21/98

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Am. H.B. 202

122nd General Assembly

(As Passed by the General Assembly)

Reps. Batchelder, Boyd, Buchy, Colonna, Garcia, Haines, Harris, Hodges, Hood, Krebs, Mead, Mottley, Netzley, O'Brien, Olman, Reid, Schuck, Schuler, Schuring, Taylor, Terwilleger, Van Vyven, Weston, Wise, Tiberi, Corbin, Miller, Householder, Pringle, James, Sykes, Carey, Sawyer, Grendell, Johnson, Vesper, Salerno, Damschroder, Brading, Myers, Core, Hottinger, Stapleton, Winkler, Verich, Logan, Britton, Opfer, Tavares, Perz, Thomas, Ford, Lucas, Sulzer, Wachtmann, Mottl, Brady, Roman, Mason, Clancy, Callender, Gardner, Jordan, Coughlin, Kasputis, Cates, Wilson, Jones

Sens. Gardner, Schafrath, Zaleski, Shoemaker, Watts, B. Johnson, DiDonato, Latell, White, Latta

Effective date: January 21, 1998

- Requires the Department of Administrative Services to create a business reply form to be used by certain state agencies under a two-year pilot program to obtain information from private businesses and an on-line computer network system to allow private businesses to file that form electronically.
- Authorizes the Director of Administrative Service to recommend a 5% reduction in the future appropriations of any state agency that fails without good cause to use the business reply form.

CONTENT AND OPERATION

Ongoing law not changed by the act requires the State Forms Management Control Center in the Department of Administrative Services, among its other duties, to develop, implement, and maintain a statewide forms management program that involves all state agencies and is designed to simplify, consolidate, or eliminate, when expedient, forms, surveys, and other documents used by state agencies (sec. 125.92, not in the act). The Center is also required to maintain a central index of state forms, eliminate redundant forms, and provide a central source of information on forms usage and availability (sec. 125.93(F), not in the act).

The act requires the Department of Administrative Services, as part of a two-year pilot program, to do both of the following: (1) create a business reply form that is capable of containing information that a private business is required to provide to state agencies on a regular basis and (2) create an on-line computer network system to allow private businesses to file the business reply form electronically. The Director of Administrative Services must adopt rules under the Administrative Procedure Act specifying the information that the form must contain. The act also requires that "state agencies" use the business reply form to obtain information from private businesses. (Sec. 125.30(A).) "State agency" is defined as the Secretary of State, the Bureau of Employment Services, the Bureau of Workers' Compensation, the Department of Administrative Services, and any other state agency that elects to participate in the pilot program after being requested by the Director to do so. "State agency," for purposes of those agencies that may be requested by the Department to participate, means every department, bureau, board, commission, office, or other organized body established by the state's constitution and laws for the exercise of any function of state government, but excludes any state-supported institution of higher education, the General Assembly or any legislative agency, the Attorney General, the Auditor of State, the Secretary of State, the Treasurer of State, any court or judicial agency, or any political subdivision or agency of a political subdivision. "Form" is defined as any document, device, or item used to convey information, regardless of medium, that has blank spaces for the insertion of information and that may have a predetermined format

and data elements to guide the entry, interpretation, and use of the information, but not including letterheads, envelopes, labels, tags, tickets, or note pads, or forms mandated by the federal government. (Sec. 125.30(D).)

The act allows the Director, in creating the business reply form, to consider the recommendations of interested parties from the small business community who have direct knowledge of and familiarity with the current state reporting requirements that apply to and the associated forms that are filed by small businesses (sec. 125.30(A)).

The Director is required to establish procedures by which state agencies may share the information that is collected through the business reply form. These procedures must provide that any information that has been designated as confidential by a state agency is not made available to other state agencies having access to the single business reply form. (Sec. 125.30(B).)

The act authorizes the Director, not later than September 30, 1999, to report to the Director of Budget and Management and the committees that handle finance and those that handle state government affairs in the House of Representatives and the Senate on the progress of state agencies in complying with the act's requirement that they use the business reply form to obtain information from private businesses. The act authorizes the Director to recommend a 5% reduction in the future appropriations of any state agency that has failed to comply with this requirement without good cause. (Sec. 125.30(C).) (See **COMMENT**.)

The act states that its provisions pertaining to the business reply form constitute a two-year pilot program; the act requires the Department of Administrative Services, not later than one year after the act's effective date, to complete the planning and preparation necessary to implement the pilot program. The Director may request other state agencies besides the mandated agencies to participate in the program, and an agency so requested may participate. The pilot program ceases to exist three years after the act's effective date. The act also requires the Director to report within 90 days after the completion of the pilot program to the Director of Budget and Management and the committees specified in the act on the program's effectiveness. (Sec. 125.30(E).)

COMMENT

Law enacted by Sub. H.B. 123 of the 120th General Assembly requires a 5% per year reduction, in specified years, in the "total forms burden" of a state agency, defined as all the time spent in a fiscal year filling out all of the agency's forms by private business, political subdivisions, and the public (secs. 125.931 and 125.932, not in the act). It is possible that compliance with the present act's form requirement could prevent some state agencies from meeting these statutory requirements because using the form developed for the pilot program (which would have to be capable of containing information that a private business is required to provide to state agencies on a regular basis) could actually increase the state agencies' forms burden. Sub. H.B. 123 did, however, enact a provision allowing the Director of Administrative Services to exempt an agency from the forms-reduction requirement in a particular fiscal year if the agency convinces the Director of its inability to comply (sec. 125.935, not in the act).

HISTORY

ACTION DATE JOURNAL ENTRY

Introduced 02-11-97 p. 210
Reported, H. Economic
Development &
Small Business 04-09-97 pp. 592-593
Passed House (95-0) 05-21-97 pp. 894-896
Reported, S. State & Local
Gov't & Veterans Affairs 07-29-97 p. 1032
Passed Senate (30-1) 10-14-97 pp. 1226-1227

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