



OHIO NEWS MEDIA ASSOCIATION | 1335 DUBLIN ROAD, SUITE 216-B | COLUMBUS OH 43215  
MONICA NIEPORTE, PRESIDENT & EXECUTIVE DIRECTOR

# **Testimony of Monica Nieporte**

## *Ohio News Media Association*

### **House Bill 96 – State Operating Budget**

### **Senate Finance Committee**

Chairman Cirino, Vice Chair Chavez, Ranking Member Hicks-Hudson, and members of the Senate Finance Committee, thank you for the opportunity to provide comments on House Bill 96. I wanted to outline a handful of amendments and issues that ONMA is working on for the omnibus amendment.

We are concerned to see language in the substitute bill that repeals a nearly century-old exemption to the sales tax for newspaper subscriptions. We are also worried about the impact of other sales tax changes that could add cost for businesses seeking to advertise with media outlets across the state. Given the late hour and lack of debate around these items, we strongly urge the Finance Committee to restore the current sales tax exemptions for newspapers. This change would hurt Ohio businesses and reduce access to important news in communities across our state.

#### **Modifications to Public Notice Laws**

The laws governing public notice by local governments have undergone several changes over the past few years. We are seeking an amendment to harmonize some recently enacted legislation to ensure our members can continue to effectively serve local government advertisers.

The first change would ensure municipalities are able to seek digital-only notices from a newspaper of general circulation in a manner similar to counties and townships. In the previous General Assembly, counties and townships were given additional options to satisfy public notice requirements in HB 497 and HB 315, respectively. In addition to current law, these local governments may now purchase a digital-only notice from the newspaper or publish notices on their governmental websites and social media accounts. HB 33, the prior state operating budget, included a similar change for municipalities except it did not contain a digital-only newspaper notice option. We are asking that municipalities be granted the same options so that our members can effectively serve them with a full range of options.

The second change would modify current law enacted through HB 33, HB 315, HB 331, and HB 497 in the 135<sup>th</sup> General Assembly related to public notices sent to [www.publicnoticesohio.com](http://www.publicnoticesohio.com), a website maintained by ONMA. Since 2014, ONMA has

managed this website, which aggregates all public notices across the state. We provide this service at no additional cost to local or state government; notices are uploaded to the site by newspapers across the state through an automatic feed. In the previous General Assembly, several local government entities were given the option of submitting notices directly to the ONMA website in addition to purchasing print or digital notices in a newspaper or posting to their own websites.

Unfortunately, the current website structure and process does not allow for local governments to post their own notices to the site. ONMA would need to hire additional staff and begin assessing a fee, which also puts us in the awkward position of being a competitor with our own members. Therefore, we are asking that this language be repealed throughout the Revised Code. Cities, Villages, Counties and Townships would still be able to purchase a print or digital ad and could also post notices exclusively on their websites and social media accounts if they choose to do so.

We believe that newspapers remain the best option for public notice to be accomplished, however we also want to recognize that the General Assembly has afforded local governments more options in recent years. We remain committed to working on updates to public notice laws that maximize impact and generate savings for our governmental partners.

### **Journalist Exemption to Law Enforcement Video Records Fee Provisions**

Late last year, the Ohio General Assembly enacted HB 315 with an unvetted provision that established a new fee process for records requests related to law enforcement video records. Under this law, which took effect in April, law enforcement agencies can charge up to \$750 per records request for body cam, dash cam and other video records. Many local police departments have adopted policies that ensure journalists will not be charged these fees, however we are asking the Ohio Senate to amend current law to guarantee this through an amendment to HB 96.

The Ohio House of Representatives already added a handful of exemptions to this law in their version of HB 96 (see Comp Doc LOCCD2) to cover individuals requesting records who are the subject of the footage or who have a compelling legal interest in the video. Further, R.C. 149.43 already contains a strong and narrow definition of 'journalist' as well as a number of current exemptions to the public records law for media outlets. ONMA was part of the process in Ohio nearly a decade ago to craft legislation related to access and privacy for police body worn cameras. We recognize the challenges some agencies are facing with voluminous requests and costly technology to redact footage. That being said, our members play a vital role in ensuring transparency and accountability and these fees create a barrier to our work.