



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

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

Status: As Enacted

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, establishing requirements for certain state agencies that publish official versions of legal materials. Although it is unclear how the bill's requirements exceed the current procedures of the state agencies affected, the costs of publishing these official versions would presumably increase due to the specified authentication requirements.

Detailed Fiscal Analysis

The bill enacts the Uniform Electronic Legal Material Act (UELMA), 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 LSC Bill Analysis provides detail on which state agencies are designated as the official publishers of those materials. 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.

The bill requires the publisher of 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.

The Legislative Service Commission (LSC) currently contracts with LAWriter for online publication of the Ohio Revised Code and the Ohio Administrative Code, and will likely incur new costs for complying with the authentication process described above. The current contract amount for this service is \$42,800 per year. In order to fulfill the requirements of the bill, LSC would likely have to contract with a new vendor such as LexisNexis or Westlaw. The new contract to include authentication services would likely exceed \$100,000 annually based on the bids these vendors provided LSC in the past regarding online Revised Code and Administrative Code publishing.

As of this writing, 17 states and the District of Columbia have adopted UELMA in some form. The cost of implementation in those states has varied based upon how different states previously handled these materials. For example, California has estimated that the start-up costs to comply with UELMA were \$165,000 and that the ongoing costs would be \$70,000 for the state's Office of Legislative Counsel. Maryland's Department of Legislative Services (DLS) currently handles the duties described in the bill and estimates that adopting UELMA will cost an additional \$28,500 annually for hardware and software costs.