

# As Introduced

129th General Assembly  
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S. B. No. 178

Senators Seitz, Wilson

Cosponsors: Senators Beagle, Wagoner, Tavares, Turner

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## A B I L L

To amend sections 109.43, 149.351, 149.38, 149.39, 1  
149.41, 149.411, 149.412, 149.42, 307.801, 2  
1901.41, and 3313.29 and to enact section 149.381 3  
of the Revised Code to limit the forfeiture amount 4  
and attorney's fees a person may recover for the 5  
unlawful destruction or disposal of a record of a 6  
public office, to establish a four-year statute of 7  
limitations for the commencement of a civil action 8  
for injunctive relief or to recover a forfeiture 9  
for such unlawful conduct, to require one-half of 10  
all forfeiture amounts recovered to be paid to the 11  
state for use by the state archives, to revise the 12  
Ohio Historical Society's procedure for selecting 13  
records of historical value before political 14  
subdivisions dispose of them, to allow the 15  
Attorney General to offer programs regarding the 16  
records retention procedure, and to move the date 17  
for meetings of a county microfilming board. 18

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

**Section 1.** That sections 109.43, 149.351, 149.38, 149.39, 19  
149.41, 149.411, 149.412, 149.42, 307.801, 1901.41, and 3313.29 be 20

amended and section 149.381 of the Revised Code be enacted to read 21  
as follows: 22

**Sec. 109.43.** (A) As used in this section: 23

(1) "Designee" means a designee of the elected official in 24  
the public office if that elected official is the only elected 25  
official in the public office involved or a designee of all of the 26  
elected officials in the public office if the public office 27  
involved includes more than one elected official. 28

(2) "Elected official" means an official elected to a local 29  
or statewide office. "Elected official" does not include the chief 30  
justice or a justice of the supreme court, a judge of a court of 31  
appeals, court of common pleas, municipal court, or county court, 32  
or a clerk of any of those courts. 33

(3) "Public office" has the same meaning as in section 34  
149.011 of the Revised Code. 35

(4) "Public record" has the same meaning as in section 149.43 36  
of the Revised Code. 37

(B) The attorney general shall develop, provide, and certify 38  
training programs and seminars for all elected officials or their 39  
appropriate designees in order to enhance the officials' knowledge 40  
of the duty to provide access to public records as required by 41  
section 149.43 of the Revised Code. The training shall be three 42  
hours for every term of office for which the elected official was 43  
appointed or elected to the public office involved. The training 44  
shall provide elected officials or their appropriate designees 45  
with guidance in developing and updating their offices' policies 46  
as required under section 149.43 of the Revised Code. The 47  
successful completion by an elected official or by an elected 48  
official's appropriate designee of the training requirements 49  
established by the attorney general under this section shall 50

satisfy the education requirements imposed on elected officials or 51  
their appropriate designees under division (E) of section 149.43 52  
of the Revised Code. Prior to providing the training programs and 53  
seminars under this section to satisfy the education requirements 54  
imposed on elected officials or their appropriate designees under 55  
division (E) of section 149.43 of the Revised Code, the attorney 56  
general shall ensure that the training programs and seminars are 57  
accredited by the commission on continuing legal education 58  
established by the supreme court. 59

(C) The attorney general shall not charge any elected 60  
official or the appropriate designee of any elected official any 61  
fee for attending the training programs and seminars that the 62  
attorney general conducts under this section. The attorney general 63  
may allow the attendance of any other interested persons at any of 64  
the training programs or seminars that the attorney general 65  
conducts under this section and shall not charge the person any 66  
fee for attending the training program or seminar. 67

(D) In addition to developing, providing, and certifying 68  
training programs and seminars as required under division (B) of 69  
this section, the attorney general may contract with one or more 70  
other state agencies, political subdivisions, or other public or 71  
private entities to conduct the training programs and seminars for 72  
elected officials or their appropriate designees under this 73  
section. The contract may provide for the attendance of any other 74  
interested persons at any of the training programs or seminars 75  
conducted by the contracting state agency, political subdivision, 76  
or other public or private entity. The contracting state agency, 77  
political subdivision, or other public or private entity may 78  
charge an elected official, an elected official's appropriate 79  
designee, or an interested person a registration fee for attending 80  
the training program or seminar conducted by that contracting 81  
agency, political subdivision, or entity pursuant to a contract 82

entered into under this division. The attorney general shall 83  
determine a reasonable amount for the registration fee based on 84  
the actual and necessary expenses associated with the training 85  
programs and seminars. If the contracting state agency, political 86  
subdivision, or other public or private entity charges an elected 87  
official or an elected official's appropriate designee a 88  
registration fee for attending the training program or seminar 89  
conducted pursuant to a contract entered into under this division 90  
by that contracting agency, political subdivision, or entity, the 91  
public office for which the elected official was appointed or 92  
elected to represent may use the public office's own funds to pay 93  
for the cost of the registration fee. 94

(E) The attorney general shall develop and provide to all 95  
public offices a model public records policy for responding to 96  
public records requests in compliance with section 149.43 of the 97  
Revised Code in order to provide guidance to public offices in 98  
developing their own public record policies for responding to 99  
public records requests in compliance with that section. 100

(F) The attorney general may provide any other appropriate 101  
training or educational programs about Ohio's "Sunshine Laws," 102  
sections 121.22, 149.38, 149.381, and 149.43 of the Revised Code, 103  
as may be developed and offered by the attorney general or by the 104  
attorney general in collaboration with one or more other state 105  
agencies, political subdivisions, or other public or private 106  
entities. 107

(G) The auditor of state, in the course of an annual or 108  
biennial audit of a public office pursuant to Chapter 117. of the 109  
Revised Code, shall audit the public office for compliance with 110  
this section and division (E) of section 149.43 of the Revised 111  
Code. 112

**Sec. 149.351.** (A) All records are the property of the public 113

office concerned and shall not be removed, destroyed, mutilated, 114  
transferred, or otherwise damaged or disposed of, in whole or in 115  
part, except as provided by law or under the rules adopted by the 116  
records commissions provided for under sections 149.38 to 149.42 117  
of the Revised Code or under the records programs established by 118  
the boards of trustees of state-supported institutions of higher 119  
education under section 149.33 of the Revised Code. Such records 120  
shall be delivered by outgoing officials and employees to their 121  
successors and shall not be otherwise removed, destroyed, 122  
mutilated, or transferred,~~or destroyed~~ unlawfully. 123

(B) Any person who, after the effective date of this 124  
amendment, is aggrieved by the removal, destruction, mutilation, 125  
or transfer of, or by other damage to or disposition of a record 126  
in violation of division (A) of this section, or by threat of such 127  
removal, destruction, mutilation, transfer, or other damage to or 128  
disposition of such a record, may commence either or both of the 129  
following in the court of common pleas of the county in which 130  
division (A) of this section allegedly was violated or is 131  
threatened to be violated: 132

(1) A civil action for injunctive relief to compel compliance 133  
with division (A) of this section, and to obtain an award of the 134  
reasonable attorney's fees incurred by the person in the civil 135  
action; 136

(2) A civil action to recover a forfeiture in the amount of 137  
one thousand dollars for each violation but not to exceed ten 138  
thousand dollars for all violations, and to obtain an award of ~~the~~ 139  
~~reasonable~~ attorney's fees incurred by the person in the civil 140  
action equal to one-half of the forfeiture amount recovered. 141

A person is not aggrieved by a violation of this section if 142  
clear and convincing evidence shows that the request for a record 143  
was contrived as a pretext to create potential liability under 144  
this section. Commencing a civil action under this section waives 145

any right under this chapter to decline to divulge the purpose for 146  
requesting the record, but only to the extent needed to evaluate 147  
whether the request was contrived to create potential liability 148  
under this section. 149

(C) Once a civil action is filed under division (B)(1) or (2) 150  
of this section, no other person may file a civil action under 151  
division (B)(1) or (2) of this section for a violation of this 152  
section involving the same record. 153

(D) One-half of the forfeiture amount recovered under 154  
division (B)(2) of this section shall be paid to the person who 155  
commenced the civil action to recover a forfeiture, and one-half 156  
of the forfeiture amount recovered under that division shall be 157  
paid to the treasurer of state, who shall deposit the amount in an 158  
account of the Ohio historical society, to be used by the state 159  
archives in furtherance of its mission to retain records of 160  
continuing historical value. 161

(E) A civil action for injunctive relief under division 162  
(B)(1) of this section and a civil action to recover a forfeiture 163  
under division (B)(2) of this section shall be commenced within 164  
four years after the day division (A) of this section was 165  
allegedly violated or was threatened to be violated. 166

**Sec. 149.38.** (A) There is hereby created in each county a 167  
county records commission, composed of a member of the board of 168  
county commissioners as chairperson, the prosecuting attorney, the 169  
auditor, the recorder, and the clerk of the court of common pleas. 170  
The commission shall appoint a secretary, who may or may not be a 171  
member of the commission and who shall serve at the pleasure of 172  
the commission. The commission may employ an archivist or records 173  
manager to serve under its direction. The commission shall meet at 174  
least once every six months and upon the call of the chairperson. 175

(B) The functions of the county records commission shall be 176

to provide rules for retention and disposal of records of the  
county, and to review applications for one-time disposal of  
obsolete records and schedules of records retention and  
disposition submitted by county offices. The commission may  
dispose of records pursuant to the procedure outlined in this  
section. The commission, at any time, may review any schedule it  
has previously approved and, for good cause shown, may revise that  
schedule, subject to division (D) of this section.

(C)(1) When the county records commission has approved any  
county application for one-time disposal of obsolete records or  
any schedule of records retention and disposition, the commission  
shall send that application or schedule to the Ohio historical  
society for its review. The Ohio historical society shall review  
the application or schedule within a period of not more than sixty  
days after its receipt of it. ~~Upon~~ During the sixty-day review  
period, the Ohio historical society may select for its custody  
from the application for one-time disposal of obsolete records any  
records it considers to be of continuing historical value, and  
shall denote upon any schedule of records retention and  
disposition any records for which the Ohio historical society will  
require a certificate of records disposal prior to their disposal.

(2) Upon completion of its review, the Ohio historical  
society shall forward the application for one-time disposal of  
obsolete records or the schedule of records retention and  
disposition to the auditor of state for the auditor's approval or  
disapproval. The auditor of state shall approve or disapprove the  
application or schedule within a period of not more than sixty  
days after receipt of it. ~~Before~~

(3) Before public records are to be disposed of pursuant to  
an approved schedule of records retention and disposition, the  
county records commission shall inform the Ohio historical society  
of the disposal through the submission of a certificate of records

disposal for only the records required by the schedule to be 209  
disposed of and shall give the society the opportunity for a 210  
period of fifteen business days to select for its custody those 211  
records, from the certificate submitted, that it considers to be 212  
of continuing historical value. Upon the expiration of the 213  
fifteen-business-day period, the county records commission also 214  
shall notify the public libraries, county historical society, 215  
state universities, and other public or quasi-public institutions, 216  
agencies, or corporations in the county that have provided the 217  
commission with their name and address for these notification 218  
purposes, that the commission has informed the Ohio historical 219  
society of the records disposal and that the notified entities, 220  
upon written agreement with the Ohio historical society pursuant 221  
to section 149.31 of the Revised Code, may select records of 222  
continuing historical value, including records that may be 223  
distributed to any of the notified entities under section 149.31 224  
of the Revised Code. Any notified entity that notifies the county 225  
records commission of its intent to review and select records of 226  
continuing historical value from certificates of records disposal 227  
is responsible for the cost of any notice given and for the 228  
transportation of those records. 229

(D) The rules of the county records commission shall include 230  
a rule that requires any receipts, checks, vouchers, or other 231  
similar records pertaining to expenditures from the delinquent tax 232  
and assessment collection fund created in section 321.261 of the 233  
Revised Code, from the real estate assessment fund created in 234  
section 325.31 of the Revised Code, or from amounts allocated for 235  
the furtherance of justice to the county sheriff under section 236  
325.071 of the Revised Code or to the prosecuting attorney under 237  
section 325.12 of the Revised Code to be retained for at least 238  
four years. 239

(E) No person shall knowingly violate the rule adopted under 240



division (D) of this section. Whoever violates that rule is guilty 241  
of a misdemeanor of the first degree. 242

Sec. 149.381. (A) As used in this section, "records 243  
commission" means a records commission created under section 244  
149.39 of the Revised Code, a school district records commission 245  
and an educational service center records commission created under 246  
section 149.41 of the Revised Code, a library records commission 247  
created under section 149.411 of the Revised Code, a special 248  
taxing district records commission created under section 149.412 249  
of the Revised Code, and a township records commission created 250  
under section 149.42 of the Revised Code. 251

(B) When a records commission has approved an application for 252  
one-time disposal of obsolete records or any schedule of records 253  
retention and disposition, the records commission shall send that 254  
application or schedule to the Ohio historical society for its 255  
review. The Ohio historical society shall review the application 256  
or schedule within a period of not more than sixty days after its 257  
receipt of it. During the sixty-day review period, the Ohio 258  
historical society may select for its custody from the application 259  
for one-time disposal of obsolete records any records it considers 260  
to be of continuing historical value, and shall denote upon any 261  
schedule of records retention and disposition the records for 262  
which the Ohio historical society will require a certificate of 263  
records disposal prior to their disposal. 264

(C) Upon completion of its review, the Ohio historical 265  
society shall forward the application for one-time disposal of 266  
obsolete records or the schedule of records retention and 267  
disposition to the auditor of state for the auditor of state's 268  
approval or disapproval. The auditor of state shall approve or 269  
disapprove the application or schedule within a period of not more 270  
than sixty days after receipt of it. 271

(D) Before public records are to be disposed of pursuant to 272  
an approved schedule of records retention and disposition, the 273  
records commission shall inform the Ohio historical society of the 274  
disposal through the submission of a certificate of records 275  
disposal for only the records required by the schedule to be 276  
disposed of, and shall give the society the opportunity for a 277  
period of fifteen business days to select for its custody those 278  
public records, from the certificate submitted, that it considers 279  
to be of continuing historical value. 280

(E) The Ohio historical society may not review or select for 281  
its custody any of the following: 282

(1) Records the release of which is prohibited by section 283  
149.432 of the Revised Code. 284

(2) Records containing personally identifiable information 285  
concerning any pupil attending a public school other than 286  
directory information, as defined in section 3319.321 of the 287  
Revised Code, without the written consent of the parent, guardian, 288  
or custodian of each such pupil who is less than eighteen years of 289  
age, or without the written consent of each pupil who is eighteen 290  
years of age or older. 291

(3) Records the release of which would, according to the 292  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 293  
20 U.S.C. 1232g, disqualify a school or other educational 294  
institution from receiving federal funds. 295

**Sec. 149.39.** There is hereby created in each municipal 296  
corporation a records commission composed of the chief executive 297  
or the chief executive's appointed representative, as chairperson, 298  
and the chief fiscal officer, the chief legal officer, and a 299  
citizen appointed by the chief executive. The commission shall 300  
appoint a secretary, who may or may not be a member of the 301  
commission and who shall serve at the pleasure of the commission. 302

The commission may employ an archivist or records manager to serve 303  
under its direction. The commission shall meet at least once every 304  
six months and upon the call of the chairperson. 305

The functions of the commission shall be to provide rules for 306  
retention and disposal of records of the municipal corporation, 307  
and to review applications for one-time disposal of obsolete 308  
records and schedules of records retention and disposition 309  
submitted by municipal offices. The commission may dispose of 310  
records pursuant to the procedure outlined in ~~this~~ section 149.381 311  
of the Revised Code. The commission, at any time, may review any 312  
schedule it has previously approved and, for good cause shown, may 313  
revise that schedule under the procedure outlined in that section. 314

~~When the municipal records commission has approved any 315  
application for one-time disposal of obsolete records or any 316  
schedule of records retention and disposition, the commission 317  
shall send that application or schedule to the Ohio historical 318  
society for its review. The Ohio historical society shall review 319  
the application or schedule within a period of not more than sixty 320  
days after its receipt of it. Upon completion of its review, the 321  
Ohio historical society shall forward the application for one-time 322  
disposal of obsolete records or the schedule of records retention 323  
and disposition to the auditor of state for the auditor's approval 324  
or disapproval. The auditor shall approve or disapprove the 325  
application or schedule within a period of not more than sixty 326  
days after receipt of it. Before public records are to be disposed 327  
of, the commission shall inform the Ohio historical society of the 328  
disposal through the submission of a certificate of records 329  
disposal and shall give the society the opportunity for a period 330  
of fifteen business days to select for its custody those public 331  
records that it considers to be of continuing historical value. 332~~

**Sec. 149.41.** There is hereby created in each city, local, 333

joint vocational, and exempted village school district a school 334  
district records commission, and in each educational service 335  
center an educational service center records commission. Each 336  
records commission shall be composed of the president, the 337  
treasurer of the board of education or governing board of the 338  
educational service center, and the superintendent of schools in 339  
each such district or educational service center. The commission 340  
shall meet at least once every twelve months. 341

The function of the commission shall be to review 342  
applications for one-time disposal of obsolete records and 343  
schedules of records retention and disposition submitted by any 344  
employee of the school district or educational service center. The 345  
commission may dispose of records pursuant to the procedure 346  
outlined in ~~this~~ section 149.381 of the Revised Code. The 347  
commission, at any time, may review any schedule it has previously 348  
approved and, for good cause shown, may revise that schedule under 349  
the procedure outlined in that section. 350

~~When the school district records commission or the 351  
educational service center records commission has approved any 352  
application for one time disposal of obsolete records or any 353  
schedule of records retention and disposition, the appropriate 354  
commission shall send that application or schedule to the Ohio 355  
historical society for its review. The Ohio historical society 356  
shall review the application or schedule within a period of not 357  
more than sixty days after its receipt of it. Upon completion of 358  
its review, the Ohio historical society shall forward the 359  
application for one time disposal of obsolete records or the 360  
schedule of records retention and disposition to the auditor of 361  
state for the auditor's approval or disapproval. The auditor shall 362  
approve or disapprove the application or schedule within a period 363  
of not more than sixty days after receipt of it. Before public 364  
records are to be disposed of, the appropriate commission shall 365~~

~~inform the Ohio historical society of the disposal through the~~ 366  
~~submission of a certificate of records disposal and shall give the~~ 367  
~~society the opportunity for a period of fifteen business days to~~ 368  
~~select for its custody those public records that it considers to~~ 369  
~~be of continuing historical value. The society may not review or~~ 370  
~~select for its custody either of the following:~~ 371

~~(A) Records containing personally identifiable information~~ 372  
~~concerning any pupil attending a public school other than~~ 373  
~~directory information, as defined in section 3319.321 of the~~ 374  
~~Revised Code, without the written consent of the parent, guardian,~~ 375  
~~or custodian of each such pupil who is less than eighteen years of~~ 376  
~~age, or without the written consent of each such pupil who is~~ 377  
~~eighteen years of age or older;~~ 378

~~(B) Records the release of which would, according to the~~ 379  
~~"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571,~~ 380  
~~20 U.S.C.A. 1232g, disqualify a school or other educational~~ 381  
~~institution from receiving federal funds.~~ 382

**Sec. 149.411.** There is hereby created in each county free 383  
public library, municipal free public library, township free 384  
public library, school district free public library as described 385  
in section 3375.15 of the Revised Code, county library district, 386  
and regional library district a library records commission 387  
composed of the members and the fiscal officer of the board of 388  
library trustees of the appropriate public library or library 389  
district. The commission shall meet at least once every twelve 390  
months. 391

The functions of the commission shall be to review 392  
applications for one-time disposal of obsolete records and 393  
schedules of records retention and disposition submitted by any 394  
employee of the library. The commission may dispose of records 395  
pursuant to the procedure outlined in ~~this~~ section 149.381 of the 396

Revised Code. The commission, at any time, may review any schedule 397  
it has previously approved and, for good cause shown, may revise 398  
that schedule under the procedure outlined in that section. 399

~~When the appropriate library records commission has approved 400  
any library application for one time disposal of obsolete records 401  
or any schedule of records retention and disposition, the 402  
commission shall send that application or schedule to the Ohio 403  
historical society for its review. The Ohio historical society 404  
shall review the application or schedule within a period of not 405  
more than sixty days after its receipt of it. Upon completion of 406  
its review, the Ohio historical society shall forward the 407  
application for one time disposal of obsolete records or the 408  
schedule of records retention and disposition to the auditor of 409  
state for the auditor's approval or disapproval. The auditor shall 410  
approve or disapprove the application or schedule within a period 411  
of not more than sixty days after receipt of it. Before public 412  
records are to be disposed of, the commission shall inform the 413  
Ohio historical society of the disposal through the submission of 414  
a certificate of records disposal and shall give the society the 415  
opportunity for a period of fifteen business days to select for 416  
its custody those public records that it considers to be of 417  
continuing historical value. The Ohio historical society may not 418  
review or select for its custody any records pursuant to section 419  
149.432 of the Revised Code. 420~~

**Sec. 149.412.** There is hereby created in each special taxing 421  
district that is a public office as defined in section 149.011 of 422  
the Revised Code and that is not specifically designated in 423  
section 149.38, 149.39, 149.41, 149.411, or 149.42 of the Revised 424  
Code a special taxing district records commission composed of, at 425  
a minimum, the chairperson, a fiscal representative, and a legal 426  
representative of the governing board of the special taxing 427  
district. The commission shall meet at least once every twelve 428

months and upon the call of the chairperson. 429

The functions of the commission shall be to review 430  
applications for one-time disposal of obsolete records and 431  
schedules of records retention and disposition submitted by any 432  
employee of the special taxing district. The commission may 433  
dispose of records pursuant to the procedure outlined in ~~this~~ 434  
section 149.381 of the Revised Code. The commission, at any time, 435  
may review any schedule it has previously approved and, for good 436  
cause shown, may revise that schedule under the procedure outlined 437  
in that section. 438

~~When the special taxing district records commission has 439  
approved any special taxing district application for one-time 440  
disposal of obsolete records or any schedule of records retention 441  
and disposition, the commission shall send that application or 442  
schedule to the Ohio historical society for its review. The Ohio 443  
historical society shall review the application or schedule within 444  
a period of not more than sixty days after its receipt of it. Upon 445  
completion of its review, the Ohio historical society shall 446  
forward the application for one-time disposal of obsolete records 447  
or the schedule of records retention and disposition to the 448  
auditor of state for the auditor's approval or disapproval. The 449  
auditor shall approve or disapprove the application or schedule 450  
within a period of not more than sixty days after receipt of it. 451  
Before public records are to be disposed of, the commission shall 452  
inform the Ohio historical society of the disposal through the 453  
submission of a certificate of records disposal and shall give the 454  
society the opportunity for a period of fifteen business days to 455  
select for its custody those public records that it considers to 456  
be of continuing historical value. 457~~

**Sec. 149.42.** There is hereby created in each township a 458  
township records commission, composed of the chairperson of the 459

board of township trustees and the fiscal officer of the township. 460  
The commission shall meet at least once every twelve months and 461  
upon the call of the chairperson. 462

The function of the commission shall be to review 463  
applications for one-time disposal of obsolete records and 464  
schedules of records retention and disposition submitted by 465  
township offices. The commission may dispose of records pursuant 466  
to the procedure outlined in ~~this~~ section 149.381 of the Revised 467  
Code. The commission, at any time, may review any schedule it has 468  
previously approved and, for good cause shown, may revise that 469  
schedule under the procedure outlined in that section. 470

~~When the township records commission has approved any 471  
township application for one time disposal of obsolete records or 472  
any schedule of records retention and disposition, the commission 473  
shall send that application or schedule to the Ohio historical 474  
society for its review. The Ohio historical society shall review 475  
the application or schedule within a period of not more than sixty 476  
days after its receipt of it. Upon completion of its review, the 477  
Ohio historical society shall forward the application for one time 478  
disposal of obsolete records or the schedule of records retention 479  
and disposition to the auditor of state for the auditor's approval 480  
or disapproval. The auditor shall approve or disapprove the 481  
application or schedule within a period of not more than sixty 482  
days after receipt of it. Before public records are to be disposed 483  
of, the commission shall inform the Ohio historical society of the 484  
disposal through the submission of a certificate of records 485  
disposal and shall give the society the opportunity for a period 486  
of fifteen business days to select for its custody those public 487  
records that it considers to be of continuing historical value. 488~~

**Sec. 307.801.** Within ninety days after a county microfilming 489  
board has been established, it shall hold its initial meeting at 490



such time as the secretary of the board determines. Thereafter, 491  
the board shall meet annually on the ~~third~~ second Monday in 492  
January and at such other times and places as the secretary 493  
determines. The secretary shall, within five days after receiving 494  
a written request from any other member of the board, call the 495  
board together for a meeting. A majority of the board constitutes 496  
a quorum at any regular or special meeting. 497

The board may, by unanimous consent, adopt such rules as it 498  
considers necessary for its operation, but no rule of the board 499  
shall derogate the authority or responsibility of any elected 500  
official. 501

**Sec. 1901.41.** (A) Notwithstanding ~~section~~ sections 149.381 502  
and 149.39 of the Revised Code and subject to division (E) of this 503  
section, each municipal court, by rule, may order the destruction 504  
or other disposition of the files of cases that have been finally 505  
disposed of by the court for at least five years as follows: 506

(1) If a case has been finally disposed of for at least five 507  
years, but less than fifteen years prior to the adoption of the 508  
rule of court for destruction or other disposition of the files, 509  
the court may order the files destroyed or otherwise disposed of 510  
only if the court first complies with division (B)(1) of this 511  
section; 512

(2) If a case has been finally disposed of for fifteen years 513  
or more prior to the adoption of the rule of court for destruction 514  
or other disposition of the files, the court may order the files 515  
destroyed or otherwise disposed of without having copied or 516  
reproduced the files prior to their destruction. 517

(B)(1) Except as otherwise provided in this division, all 518  
files destroyed or otherwise disposed of under division (A)(1) of 519  
this section shall be copied or reproduced prior to their 520  
destruction or disposition in the manner and according to the 521

procedure prescribed in section 9.01 of the Revised Code. The 522  
copies or reproductions of the files made pursuant to section 9.01 523  
of the Revised Code shall be retained and preserved by the court 524  
for a period of ten years after the destruction of the original 525  
files in accordance with this section, after which the copies or 526  
reproductions themselves may be destroyed or otherwise disposed 527  
of. 528

Files destroyed or otherwise disposed of under division 529  
(A)(1) of this section that are solely concerned with criminal 530  
prosecutions for minor misdemeanor offenses or that are concerned 531  
solely with minor misdemeanor traffic prosecutions do not have to 532  
be copied or reproduced in any manner or under any procedure prior 533  
to their destruction or disposition as provided in this section. 534

(2) Files destroyed or otherwise disposed of under division 535  
(A)(2) of this section do not have to be copied or reproduced in 536  
any manner or under any procedure prior to their destruction or 537  
disposition. 538

(C) Nothing in this section permits or shall be construed as 539  
permitting the destruction or other disposition of the files in 540  
the Cleveland municipal court of cases involving the following 541  
actions and proceedings: 542

(1) The sale of real property in an action to foreclose and 543  
marshal all liens on the real property; 544

(2) The sale of real property in an action to foreclose a 545  
mortgage on the real property; 546

(3) The determination of rights in the title to real property 547  
either in the form of a creditor's bill or in any other action 548  
intended to determine or adjudicate the right, title, and interest 549  
of a person or persons in the ownership of a parcel or parcels of 550  
real property or any interest therein. 551

(D) All dockets, indexes, journals, and cash books of the 552

court shall be retained and preserved by the court for at least 553  
twenty-five years unless they are reproduced in the manner and 554  
according to the procedure prescribed in section 9.01 of the 555  
Revised Code, in which case the reproductions shall be retained 556  
and preserved by the court at least until the expiration of the 557  
twenty-five year period for which the originals would have had to 558  
have been retained. Court dockets, indexes, journals, and cash 559  
books, and all other court records also shall be subject to 560  
destruction or other disposition under section ~~149.39~~ 149.381 of 561  
the Revised Code. 562

(E) Notwithstanding ~~section~~ sections 149.381 and 149.39 of 563  
the Revised Code, each clerk of a municipal court shall retain 564  
documentation regarding each criminal conviction and plea of 565  
guilty involving a case that is or was before the court. The 566  
documentation shall be in a form that is admissible as evidence in 567  
a criminal proceeding as evidence of a prior conviction or that is 568  
readily convertible to or producible in a form that is admissible 569  
as evidence in a criminal proceeding as evidence of a prior 570  
conviction and may be retained in any form authorized by section 571  
9.01 of the Revised Code. The clerk shall retain this 572  
documentation for a period of fifty years after the entry of 573  
judgment in the case, except that documentation regarding cases 574  
solely concerned with minor misdemeanor offenses or minor 575  
misdemeanor traffic offenses shall be retained as provided in 576  
divisions (A) and (B) of this section, and documentation regarding 577  
other misdemeanor traffic offenses shall be retained for a period 578  
of twenty-five years after the entry of judgment in the case. This 579  
section shall apply to records currently retained and to records 580  
created on or after September 23, 2004. 581

**Sec. 3313.29.** The treasurer of each board of education shall 582  
keep an account of all school funds of the district. The treasurer 583  
shall receive all vouchers for payments and disbursements made to 584

and by the board and preserve such vouchers for a period of ten 585  
years unless copied or reproduced according to the procedure 586  
prescribed in section 9.01 of the Revised Code. Thereafter, such 587  
vouchers may be destroyed by the treasurer upon applying to and 588  
obtaining an order from the school district records commission in 589  
the manner prescribed by section ~~149.41~~ 149.381 of the Revised 590  
Code, except that it shall not be necessary to copy or reproduce 591  
such vouchers before their destruction. The treasurer shall render 592  
a statement to the board and to the superintendent of the school 593  
district, monthly, or more often if required, showing the revenues 594  
and receipts from whatever sources derived, the various 595  
appropriations made by the board, the expenditures and 596  
disbursements therefrom, the purposes thereof, the balances 597  
remaining in each appropriation, and the assets and liabilities of 598  
the school district. At the end of the fiscal year such statement 599  
shall be a complete exhibit of the financial affairs of the school 600  
district which may be published and distributed with the approval 601  
of the board. All monthly and yearly statements as required in 602  
this section shall be available for examination by the public. 603

On request of the principal or other chief administrator of 604  
any nonpublic school located within the school district's 605  
territory, the treasurer shall provide such principal or 606  
administrator with an account of the moneys received by the 607  
district under division (I) of section 3317.024 of the Revised 608  
Code as reported to the district's board in the treasurer's most 609  
recent monthly statement. 610

**Section 2.** That existing sections 109.43, 149.351, 149.38, 611  
149.39, 149.41, 149.411, 149.412, 149.42, 307.801, 1901.41, and 612  
3313.29 of the Revised Code are hereby repealed. 613