



**GOVERNMENT OVERSIGHT AND REFORM  
COMMITTEE NOTICE**

To: Members of the Government Oversight and Reform Committee  
From: William P. Coley, II, Chair  
Date: November 21, 2018

**Wednesday, November 28, 2018  
10:00 AM  
Finance Hearing Room**

**AGENDA**

<b>S. J. R. No. 1*</b> <b>Huffman</b>	Limit power of federal government and impose federal term limits	6th Hearing, Proponent/Opponent/ Interested Party (Possible Amendments)
<b>S. B. No. 179*</b> <b>LaRose</b>	Authorize automatic dissolution of LLCs and business name alerts	4th Hearing, Proponent/Opponent/ Interested Party (Possible Amendments)
<b>S. B. No. 83</b> <b>Williams</b>	Establish duties for Attorney General if person killed by police	1st Hearing, Sponsor
<b>S. B. No. 84</b> <b>Williams, Tavares</b>	Prevent biased policing and status profiling	1st Hearing
<b>S. B. No. 285</b> <b>Thomas, Schiavoni</b>	Regulate firearm transfers at gun shows	1st Hearing, Sponsor
<b>S. B. No. 329</b> <b>Bacon</b>	Expand definition of and increase penalty for hazing	1st Hearing, Sponsor
<b>Sub. H. B. No. 425</b> <b>Antani, Craig</b>	Declare police body camera recordings not to be public records	2nd Hearing, Proponent
<b>H. B. No. 139</b> <b>Perales, Keller</b>	Eliminate public records exemption if record 100 years old	2nd Hearing, Proponent
<b>H. B. No. 359</b> <b>Stein</b>	Suggest ceremonial procedure for retiring Ohio state flag	2nd Hearing, Proponent

\*Possible Vote



# GOVERNMENT OVERSIGHT AND REFORM COMMITTEE

## WITNESS FORM

TODAY'S DATE: 11/26/2018

NAME: Robin Heise

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ORGANIZATION REPRESENTING: Ohio County Archivists & Records Managers

TESTIFYING ON BILL NUMBER: HB139

TESTIMONY TYPE:  VERBAL  WRITTEN  BOTH

TESTIFYING AS:  PROPONENT  OPPONENT  INTERESTED PARTY

ARE YOU A REGISTERED LOBBYIST?  YES  NO

SPECIAL REQUESTS:

## **House Bill 139-Public Testimony**

**Robin Heise, Greene County Records Manager & Archivist and member of the Ohio County Archivists and Records Managers Association's Legislative Committee**

**November 28, 2018**

Chair Coley, Vice Chair Uecker, and members of the Government Oversight and Reform Committee, I would like to thank you for the opportunity to testify today regarding my support of House Bill 139, which would open up certain records, that are currently closed, to the public after 100 years. The Ohio County Archivists and Records Managers Association (CARMA) has been working on this legislation since 2012, but the initial discussions about this predate the founding of the organization and began around 1998. As Records Managers and Archivists, we are committed to ensuring the availability and accessibility of permanent, historical records. It was out of this commitment that in talking with our peers, we realized that there was an inconsistency in accessing certain records across the state. The records include: Adoptions, County Home Registers, Children's Home Registers, Inheritance Tax Records, and Veterans' Relief Records.

In some counties, such as Greene County, a local ruling allows these records to be accessed after 100 years. In the neighboring counties of Montgomery and Warren, these same records are permanently closed. We need a consistent standard across the state for opening permanent records in every county. Historical records provide valuable insight into our collective history as a state, as a society, and as families. Research of these records is requested by historians, academics, and genealogists, both professionals and family history practitioners. These records can be used not only to study family history, but also to study demographic trends along with historical cultural and societal norms. Medical professionals encourage individuals to know

about their family health history. Some of the records covered by House Bill 139 can provide families with this important health information regarding potential genetic health risks.

I have my own personal experience with being denied information regarding potential genetic health risks. While completing some family history research in the Crawford County Probate Court, I stumbled upon the name of my Great-Uncle, William B. Kimble, in the Probate index. Under the column that indicated the type of case was written, "Lunacy". My previous research had found that on the 1880 Federal Census, William was living in the Crawford County Infirmary. Under the column listing his medical condition was written, "fits". Putting these two facts together I began wondering if William had epilepsy. I asked to see these records and was told in no uncertain terms that they were closed. I explained to the clerk that these records were from the 1880s, I certainly didn't know William Kimble, nor did anyone else in my family who was alive. I went on to explain that I was concerned that these records documented a case of epilepsy in the family and I was told again that they were closed. Epilepsy, which was once considered a mental illness is today considered a treatable medical condition. Epilepsy in your family tree predisposes you and your family members to the disease. The first statute protecting the mentally ill went into effect on October 25, 1961 as part of O.R.C. 5122.31. Prior to this there was no statute protecting the identity of mentally ill patients. Even now the court journal entries, court docket entries, and indexes are public record. Yet despite this, I am unable to access records from the late nineteenth century and because of this I have no way of confirming any genetic predisposition to epilepsy in my family. While House Bill 139 will not directly impact court records because they are exempted from the law because of the Rules of Superintendence 44-47, it is my hope that with the passage of this bill, it will provide the

momentum for making changes to the current Rules of Superintendence. Maybe someday in the near future, I will be able to access William Kimble's lunacy records.

Access restrictions on records are put into place to protect the living. To retain rightful benefits, protect credit, or to not have their past affect future job prospects. Once a person is deceased, that need for protection decreases. In recent years access restrictions have been lifted on other records of historical importance. For example, in 2015 the Ohio General Assembly passed legislation opening confidential records of the Department of Mental Health and Addiction Services fifty years after the patient's death. In 2008/2009, the General Assembly passed legislation that closed veterans discharge records, but only for a period of 75 years, for purposes of protecting their access to benefits. After 75 years, that purpose is moot. At the federal level, United States census records are opened after seventy-two years. In 2013, the U.S. Department of Health and Human Services changed its privacy rules so that individually identifiable health information is no longer protected fifty years after the patient's death. Several other states, including Florida, Georgia, Illinois, Indiana, Kentucky, Nevada, New Mexico, Virginia, Wisconsin, and others, have already passed open access legislation for similar types of historical records. The 100 years proposed in House Bill 139, is a longer time period than in the majority of these states. I ask for your support on House Bill 139 to ensure that future generations have consistent access to the permanent records that document Ohio's rich and diverse history.

Chair Coley, Vice Chair Uecker, and members of the Government Oversight and Reform Committee, thank you for your time and allowing me the opportunity to speak to you today. I am happy to take any questions that you may have.