



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Bethany Boyd

### **H.B. 3**

132nd General Assembly  
(As Introduced)

**Reps.** Duffey and Hagan, Vitale, Reineke, Hambley, Henne, Roegner, Retherford, Bishoff, Brenner

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## **BILL SUMMARY**

### **DataOhio Board**

- Creates the DataOhio Board, which is required to make recommendations to the General Assembly regarding online access to public records and data sets of public records, and to recommend other standards for open data use.
- Requires the DataOhio Board to deliver a report of its findings and recommendations to the General Assembly and Auditor of State not later than March 31 each year.

### **Online public record access**

- Requires a public office that posts public records on its website or a state website to make its best efforts to post the records in an open format.
- Specifies that a public office is not required to post public records to a website.
- Requires a public office that posts public records online to state in its public records policy which public records the public office posts online, and to submit this statement to the DataOhio Board.

### **Website of public records**

- Establishes a website, [data.Ohio.gov](http://data.Ohio.gov), that is to function as an online catalog of public records and data sets of public records of public offices; the website is to be established, administered, and operated by the Auditor of State, in consultation with the State Librarian.

- Requires the Auditor of State to adopt rules specifying policies and procedures for the administration and operation of data.Ohio.gov.

### **Local Government Information Exchange Grant Program**

- Establishes the Local Government Information Exchange Grant Program so that a county, township, municipal corporation, or public library, or a regional planning commission, metropolitan planning organization, or regional council of governments on their behalf, may apply for a grant to post on the Internet data that meets the Program's requirements.
- Requires the State Librarian to administer, and to adopt rules for, the Program, including grant eligibility criteria and specifications for consistent formatting.
- Requires the State Librarian to disburse a \$10,000 grant to each applicant that meets the grant eligibility criteria, but specifies that the total amount of grants awarded cannot exceed the amount that can be funded with appropriations made by the General Assembly for the Program.
- States that the Program does not prohibit a grantee who received a grant from pooling the grant with other grants received under the Program by other grantees.
- Appropriates \$10 million in FY 2018 and \$10 million in FY 2019 to the State Library Board; up to \$250,000 in each fiscal year is to be used by the State Librarian for the administration and maintenance of the Program, with the remainder to be used by the State Librarian to disburse grant awards to eligible grantees.

### **Uniform accounting procedures and charts of accounts**

- Requires the Auditor of State, by rule, to establish uniform accounting procedures and charts of accounts for use by all public offices; their use is not required.
- Awards public offices that use these accounting procedures and charts of accounts with a "DataOhio Transparency Award – Uniformity of Accounting."
- Appropriates operating expenses of \$350,000 in FY 2017 to the Auditor of State to be used to develop a uniform chart of accounts, establish uniform accounting procedures, and adopt rules for their implementation by all public offices.

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## CONTENT AND OPERATION

### Summary and application of the bill

#### Overview

The bill creates the DataOhio Board to make recommendations to the General Assembly regarding online access to public records and other standards for data; requires that if a public office posts public records online, it should make efforts to do so in an open format; and establishes the website, data.Ohio.gov, which is to function as an online catalog of public records. The bill establishes the Local Government Information Exchange Grant Program to give grants to certain local governments that post on the Internet data sets of public records that meet the Program's requirements, and the bill makes appropriations for the Program.

The bill also requires the Auditor of State to adopt rules that establish uniform accounting procedures and charts of accounts for use by all public offices, although their use is not required. The bill makes an appropriation to the Auditor of State to develop these procedures and charts.

#### Definitions

Where the bill uses the term "public office," the term includes any state agency, public institution, political subdivision, or other organized body, office, agency, institution, or entity established by Ohio laws for the exercise of any function of government, but does not include the nonprofit corporation commonly known as JobsOhio.<sup>1</sup> And where the term "public record" is used in the bill, it means any record kept by any public office that is not exempted, or excluded by another Revised Code provision, from being a public record under the Public Records Act.<sup>2</sup>

Likewise, where the bill uses the term "open format," the term means that a public record, or the data contained in the public record, is capable of being searched, viewed, and downloaded by the public, in an open, nonproprietary format that is machine readable.<sup>3</sup>

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<sup>1</sup> R.C. 117.01 and 149.011, not in the bill.

<sup>2</sup> R.C. 149.43(A)(1), not in the bill.

<sup>3</sup> R.C. 149.61(A).



## DataOhio Board

### Board's duties

The bill creates the DataOhio Board, which is required to make recommendations to the General Assembly regarding online access to public records. The bill states that the General Assembly recognizes that public-use data from public offices offers an avenue toward open and transparent government, stimulates business innovation, and can help public offices become more effective. The bill indicates that it is the General Assembly's intent to facilitate the ability of the public easily to find, download, and use public records and data sets of public records that are generated and held by public offices. With these goals in mind, the General Assembly creates the DataOhio Board to do all of the following:<sup>4</sup>

(1) Recommend categories of public records that public offices should make available to the public online in an open format;

(2) Recommend technology standards for open data use in Ohio that reflect the most current standards used nationally and in other states;

(3) Recommend accounting standards for financial data of public offices to facilitate comparison across public offices and services;

(4) Recommend metadata definitional standards for nonfinancial data of public offices to facilitate comparison and use of this data across public offices; and

(5) Consider the participation and affiliation of data.Ohio.gov (see "**Website of public records**," below) with data.gov, the official federal online data catalog, and make a recommendation regarding this consideration.

The DataOhio Board must deliver a report of its findings and recommendations to the General Assembly and to the Auditor of State not later than one year after the bill's effective date, and by March 31 each year after that.<sup>5</sup>

### Board membership and organization

Under the bill, the DataOhio Board consists of the following members or their designees: the Governor, Attorney General, Auditor of State, Secretary of State, Treasurer of State, Speaker of the House of Representatives, President of the Senate, Chancellor of the Ohio Board of Regents, and State Librarian. In addition, the DataOhio

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<sup>4</sup> R.C. 149.60(B).

<sup>5</sup> R.C. 149.60(B).



Board must have one member who represents newspapers, to be appointed by the Ohio Newspaper Association; one member who is an officer of a municipal corporation, to be appointed by the Ohio Municipal League; one member who is an officer of a township, to be appointed by the Ohio Township Association; and one member who is an officer of a county, to be appointed by the County Commissioners Association of Ohio. And the Board must have the following four members that are to be appointed by the chairperson after the chairperson is selected: one member who represents data consumers, one member who represents businesses that use data sets of public records, one member who represents nonprofit think tanks that use data sets of public records, and one member who represents national organizations that encourage open government records. The Board also must consist of one or more ex officio, nonvoting members or their designees appointed by the chairperson after the chairperson is selected.<sup>6</sup>

The State Library of Ohio must provide necessary meeting facilities to the Board. The Board's initial meeting is at the call of the State Librarian and must be held not later than 30 days after the bill's effective date. At this initial meeting, the bill requires the Board to select a chairperson from among its members. The chairperson must select a Board member to serve as the Board's secretary.

The Board must meet at least ten times per year at the call of the chairperson and must provide reasonable notice to the public before each meeting. The Board must designate a portion of each meeting to be devoted to inviting suggestions from the public about the provision of data sets of public records by state agencies and local governments. The bill defines "local government" as bodies corporate and politic responsible for governmental activities only in geographical areas smaller than that of the state.

The presence of a majority of the Board's members constitutes a quorum for the conduct of its business. The concurrence of at least a majority of the members is necessary for any action to be taken by the Board.

Board members serve without compensation but must be reimbursed for the actual and necessary expenses they incur in the performance of their duties.<sup>7</sup>

### **Online public record access**

The bill requires a public office that posts a public record on its website, or on a public website maintained or authorized by the state, to make its best efforts to post the

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<sup>6</sup> R.C. 149.60(C).

<sup>7</sup> R.C. 149.60(A) and (D) to (G).

public record in an open format. The bill specifies that a public office is not required to post public records to a website; a public office's decision regarding which public records to post, if any, is solely within the public office's discretion, and its decision is final and may not be modified except by action of the public office.<sup>8</sup>

Under continuing law, the Public Records Act requires a public office to adopt a public records policy for responding to public records requests.<sup>9</sup> The bill requires a public office that opts in to posting public records online in an open format to include in its public records policy a statement indicating which public records the public office posts online in an open format, and to make its best effort to continue to post those records online in an open format in accordance with its public records policy. A public office must submit to the DataOhio Board, not later than 30 days after amending its public records policy, the portion of its public records policy that states which public records are posted online in an open format. A public office is not prohibited from opting out of posting public records online after opting in.<sup>10</sup>

### **Website of public records**

The bill requires the Auditor of State to establish, administer, and operate a website registered as data.Ohio.gov. The website is to function as the state's primary online catalog of public records and data sets of public records shared for this purpose by any public office in Ohio. These public records and data sets of public records must be available online and in an open format, and may be cataloged through the use of links, uploaded data files, streaming data, or other technologies that allow convenient online public access. The website may catalog or store original data or processed data, including original public records and aggregated or summarized content of data sets. The Auditor of State must consult with the State Librarian regarding the collection, aggregation, presentation, and accessibility of data in relation to data.Ohio.gov.

The Auditor of State must adopt rules under the Administrative Procedure Act that specify policies and procedures for the administration and operation of data.Ohio.gov. The rules must include a requirement that the Auditor of State may not charge a fee for access to public records or data sets of public records on the website. The Auditor of State must make every effort to ensure that public records or data sets of public records cataloged online on the website are accessible online in an open format.<sup>11</sup>

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<sup>8</sup> R.C. 149.61(B) and (D).

<sup>9</sup> R.C. 149.43(E), not in the bill.

<sup>10</sup> R.C. 149.61(C) and (D).

<sup>11</sup> R.C. 117.58.



## Local Government Information Exchange Grant Program

The bill establishes the Local Government Information Exchange Grant Program, to be administered by the State Librarian. The State Librarian is required to adopt rules under the Administrative Procedure Act as are necessary to administer the Program. The rules must include all of the following:<sup>12</sup>

(1) Grant eligibility criteria, which must include a requirement that a grantee be a county, township, municipal corporation, or public library, or a regional planning commission, metropolitan planning organization,<sup>13</sup> or regional council of governments, which may apply for a grant on behalf of a county, township, municipal corporation, public library, or group thereof, to assist them in meeting the Program's requirements;

(2) Specifications for what data sets of public records must be included by an applicant for the applicant to be eligible for a grant;

(3) A requirement that data satisfying the grant criteria be posted on the Internet, by the grantee, in an open format;

(4) Specifications for consistent formatting and technology standards for data satisfying the grant eligibility criteria;

(5) Specifications for accounting standards for data provided by a grantee; and

(6) A requirement that the data provided by a grantee be provided in a format that is compatible with, and able to be published by the Treasurer of State as part of, the Ohio online checkbook or a similar program.

Required data may be different for counties, townships, municipal corporations, or public libraries.

The bill requires that the State Librarian disburse a grant of \$10,000 to each grantee that meets the grant eligibility criteria established by the State Librarian. Grants must be awarded in the order in which a grantee has met the eligibility criteria. The total amount of grants awarded cannot exceed the amount that can be funded with appropriations made by the General Assembly for this purpose.<sup>14</sup>

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<sup>12</sup> R.C. 3375.03(B).

<sup>13</sup> R.C. 3375.03(A). A metropolitan planning organization is a policy board designated to carry out the transportation planning process required by federal law, 23 U.S.C. 134.

<sup>14</sup> R.C. 3375.03(C).



The bill does not prohibit a grantee who received a grant under the Program from pooling the grant with other grants received under the Program by other grantees, to assist them in meeting the Program's requirements or to comply with the online public record access law, explained above.<sup>15</sup>

### **Appropriations to the State Library Board**

The bill appropriates \$10 million in FY 2018 and \$10 million in FY 2019 to the State Library Board. Up to \$250,000 in each fiscal year is to be used by the State Librarian for the administration and maintenance of the Program and for administration of the grants. The remainder of the appropriation must be used by the State Librarian to disburse grant awards to eligible grantees under the bill. Expenditures from the appropriations must be accounted for as though made in the main operating appropriations act of the 132nd General Assembly and are subject to all provisions of that act that are generally applicable to such appropriations.<sup>16</sup>

### **Uniform accounting procedures and charts of accounts**

The bill requires the Auditor of State, within two years after the bill's effective date, to adopt rules under the Administrative Procedure Act establishing appropriate uniform accounting procedures and charts of accounts<sup>17</sup> that may be used by all public offices. Public offices that maintain their financial records in accordance with the rules must be declared by the Auditor of State to have earned a "DataOhio Transparency Award – Uniformity of Accounting." The bill authorizes the Auditor of State to use existing uniform accounting procedures or charts of accounts, or to supplement or amend existing uniform accounting procedures or charts of accounts.

The bill states that the General Assembly recognizes that uniform accounting procedures and charts of accounts improve financial management while maintaining the principle of home rule over local matters. The bill states that it is the intent of the General Assembly to facilitate the ability of the public to easily compare public data generated by the state and other public offices using this common language.<sup>18</sup>

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<sup>15</sup> R.C. 3375.03(D).

<sup>16</sup> Section 2.

<sup>17</sup> Generally, charts of accounts are used to standardize reporting requirements by using unique fund numbers and revenue codes that are based on the type of revenue.

<sup>18</sup> R.C. 117.432.

## Appropriation to the Auditor of State

The bill appropriates operating expenses of \$350,000 in FY 2018 to the Auditor of State to be used to develop uniform charts of accounts, establish uniform accounting procedures, and adopt rules for their implementation by all public offices. Expenditures from the appropriation must be accounted for as though made in the main operating appropriations act of the 132nd General Assembly and are subject to all provisions of that act that are generally applicable to such appropriations.<sup>19</sup>

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### HISTORY

ACTION	DATE
Introduced	02-01-17

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<sup>19</sup> Section 2.

