

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. H. B. No. 3**

**Representatives Duffey, Hagan**

**Cosponsors: Representatives Vitale, Reineke, Hambley, Henne, Roegner, Retherford, Bishoff, Brenner, Romanchuk, Antani, Butler, Craig, Cupp, Dean, Dever, Faber, Householder, Hughes, Ingram, Kent, Koehler, Lanese, Lang, Manning, McClain, Merrin, Miller, O'Brien, Patterson, Riedel, Scherer, Sheehy, Smith, T., Stein, Zeltwanger**

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**A BILL**

To enact sections 117.432, 117.58, 149.60, 149.61, 1  
and 3375.03 of the Revised Code to create the 2  
DataOhio Board, to specify requirements for 3  
posting public records online, to require the 4  
Auditor of State to adopt rules regarding a 5  
uniform accounting system for public offices, to 6  
establish an online catalog of public data at 7  
data.Ohio.gov, to establish the Local Government 8  
Information Exchange Grant Program, and to make 9  
an appropriation. 10

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

**Section 1.** That sections 117.432, 117.58, 149.60, 149.61, 11  
and 3375.03 of the Revised Code be enacted to read as follows: 12

**Sec. 117.432.** (A) The general assembly recognizes that 13  
uniform accounting procedures and charts of accounts improve 14  
financial management while maintaining the principle of home 15

rule over local matters. It is the intent of the general 16  
assembly to facilitate the ability of the public easily to 17  
compare public data generated by the state and other public 18  
offices using this common language. 19

(B) Within two years after the effective date of this 20  
section, the auditor of state shall establish, by rule adopted 21  
under Chapter 119. of the Revised Code, appropriate uniform 22  
accounting procedures and charts of accounts that may be used by 23  
all public offices. Public offices that maintain their financial 24  
records in accordance with the rules established by the auditor 25  
of state under this section shall be declared by the auditor of 26  
state to have earned a "DataOhio Transparency Award—Uniformity 27  
of Accounting." 28

(C) The auditor of state may use existing uniform 29  
accounting procedures or charts of accounts, or may supplement 30  
or amend existing uniform accounting procedures or charts of 31  
accounts, to satisfy the requirements of division (B) of this 32  
section. 33

**Sec. 117.58.** (A) As used in this section: 34

(1) "Open format" has the meaning defined in section 35  
149.61 of the Revised Code. 36

(2) "Public record" has the meaning defined in section 37  
149.43 of the Revised Code. 38

(B) (1) The auditor of state shall establish, administer, 39  
and operate a web site to function as the state's primary online 40  
catalog of public records and data sets of public records shared 41  
for this purpose by any public office in the state. The web site 42  
shall be registered as data.Ohio.gov. These public records and 43  
data sets of public records shall be made available online and 44

in an open format, and may be cataloged through the use of 45  
links, uploaded data files, streaming data, or other 46  
technologies that allow convenient online public access. The web 47  
site may catalog or store original data or processed data, 48  
including original public records and aggregated or summarized 49  
content of data sets. 50

(2) The auditor of state shall consult with the state 51  
librarian regarding the collection, aggregation, presentation, 52  
and accessibility of data in relation to the web site. 53

(C) The auditor of state shall adopt rules under Chapter 54  
119. of the Revised Code that specify policies and procedures 55  
for the administration and operation of data.Ohio.gov. The rules 56  
shall include a requirement that the auditor of state may not 57  
charge a fee for access to public records or data sets of public 58  
records at data.Ohio.gov. The auditor of state shall make every 59  
effort to ensure that public records or data sets of public 60  
records cataloged online at data.Ohio.gov are accessible online 61  
in an open format. 62

**Sec. 149.60. (A) As used in this section:** 63

(1) "Local government" means bodies corporate and politic 64  
responsible for governmental activities only in geographical 65  
areas smaller than that of the state. 66

(2) "Open format" has the meaning defined in section 67  
149.61 of the Revised Code. 68

(3) "Public record" has the meaning defined in section 69  
149.43 of the Revised Code. 70

(B) (1) The general assembly recognizes that public-use 71  
data from public offices offers an avenue toward open and 72  
transparent government, stimulates business innovation, and can 73

help public offices become more effective. It is the intent of 74  
the general assembly to facilitate the ability of the public 75  
easily to find, download, and use public records and data sets 76  
of public records that are generated and held by public offices. 77  
With these goals in mind, the general assembly creates the 78  
DataOhio board, which shall do all of the following: 79

(a) Recommend categories of public records that public 80  
offices should make available to the public online in an open 81  
format; 82

(b) Recommend technology standards for open data use in 83  
the state that reflect the most current standards used 84  
nationally and in other states; 85

(c) Recommend accounting standards for financial data of 86  
public offices to facilitate comparison across public offices 87  
and services; 88

(d) Recommend metadata definitional standards for 89  
nonfinancial data of public offices to facilitate comparison and 90  
use of this data across public offices; and 91

(e) Consider the participation and affiliation of 92  
data.Ohio.gov with data.gov, the official online data catalog of 93  
the United States government, and make a recommendation 94  
regarding this consideration. 95

(2) The DataOhio board shall deliver a report of its 96  
findings and recommendations to the general assembly and to the 97  
auditor of state not later than one year after the effective 98  
date of this section, and thereafter shall deliver to them a 99  
report of its findings and recommendations by the thirty-first 100  
day of March each year. 101

(C) The DataOhio board shall consist of the following 102

<u>members or their designees:</u>	103
<u>(1) The governor;</u>	104
<u>(2) The attorney general;</u>	105
<u>(3) The auditor of state;</u>	106
<u>(4) The secretary of state;</u>	107
<u>(5) The treasurer of state;</u>	108
<u>(6) The speaker of the house of representatives;</u>	109
<u>(7) The president of the senate;</u>	110
<u>(8) One member who represents newspapers, to be appointed</u> <u>by the Ohio newspaper association;</u>	111 112
<u>(9) One member who represents businesses that use data</u> <u>sets of public records, to be appointed by the chairperson after</u> <u>the chairperson is selected;</u>	113 114 115
<u>(10) The chancellor of the Ohio board of regents;</u>	116
<u>(11) The state librarian;</u>	117
<u>(12) One member who represents data consumers, to be</u> <u>appointed by the chairperson after the chairperson is selected;</u>	118 119
<u>(13) One member who is an officer of a municipal</u> <u>corporation, to be appointed by the Ohio municipal league;</u>	120 121
<u>(14) One member who is an officer of a township, to be</u> <u>appointed by the Ohio township association;</u>	122 123
<u>(15) One member who is an officer of a county, to be</u> <u>appointed by the county commissioners association of Ohio;</u>	124 125
<u>(16) One member who represents nonprofit think tanks that</u> <u>use data sets of public records, to be appointed by the</u>	126 127

chairperson after the chairperson is selected; and 128

(17) One member who represents national organizations that 129  
encourage open government records, to be appointed by the 130  
chairperson after the chairperson is selected. 131

The board also shall consist of one or more ex officio, 132  
nonvoting members or their designees appointed by the 133  
chairperson after the chairperson is selected. 134

(D) The state library of Ohio shall provide necessary 135  
meeting facilities to the board. The initial meeting of the 136  
board shall be held at the call of the state librarian and not 137  
later than thirty days after the effective date of this section. 138  
At its initial meeting, the board shall select a chairperson 139  
from among its members. The chairperson shall select a member of 140  
the board to serve as the board's secretary. 141

(E) The board shall meet at least ten times per year at 142  
the call of the chairperson and shall provide reasonable notice 143  
to the public before each meeting. The board shall designate a 144  
portion of each meeting to be devoted to inviting suggestions 145  
from the public regarding the provision of data sets of public 146  
records by state agencies and local governments. 147

(F) The presence of a majority of the members of the board 148  
constitutes a quorum for the conduct of its business. The 149  
concurrence of at least a majority of the members of the board 150  
is necessary for any action to be taken by the board. 151

(G) Members of the board shall serve without compensation 152  
but shall be reimbursed for the actual and necessary expenses 153  
they incur in the performance of their duties. 154

Sec. 149.61. (A) As used in this section: 155

(1) "Open format" 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. 156  
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(2) "Public record" has the meaning defined in section 149.43 of the Revised Code. 160  
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(3) "Public records policy" means the policy required by division (E) of section 149.43 of the Revised Code. 162  
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(B) A public office that posts a public record on its web site, or on a public web site maintained or authorized by the state, shall make its best efforts to post the public record in an open format. 164  
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(C) A public office that opts in to posting public records online in an open format shall include in the public office's public records policy a statement indicating which public records the public office posts in accordance with the requirements of division (B) of this section. The public office shall make its best effort to continue to post public records online in an open format in accordance with its public records policy. A public office shall submit to the DataOhio board, not later than thirty days after amending its public records policy regarding public records posted in accordance with the requirements of division (B) of this section, the portion of its public records policy that states which public records are so posted. 168  
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(D) Nothing in this section requires a public office to post public records to a web site or prohibits a public office from opting out of posting public records online after opting in. A public office's decision regarding which public records to 181  
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post in accordance with the requirements of division (B) of this 185  
section, if any, is solely within the discretion of the public 186  
office. A public office's decision in this regard is final and 187  
may not be modified except by action of the public office. 188

**Sec. 3375.03. (A) As used in this section:** 189

(1) "Metropolitan planning organization" means a 190  
metropolitan planning organization designated under 23 U.S.C. 191  
134, as amended. 192

(2) "Open format" has the meaning defined in section 193  
149.61 of the Revised Code. 194

(3) "Public record" has the meaning defined in section 195  
149.43 of the Revised Code. 196

(B) There is hereby established the local government 197  
information exchange grant program. The program shall be 198  
administered by the state librarian. The state librarian shall 199  
adopt rules under Chapter 119. of the Revised Code as are 200  
necessary to administer the program. The rules shall include all 201  
of the following: 202

(1) Grant eligibility criteria, which shall include a 203  
requirement that a grantee be a county, township, municipal 204  
corporation, or public library, or a regional planning 205  
commission, metropolitan planning organization, or regional 206  
council of governments, which may apply for a grant on behalf of 207  
a county, township, municipal corporation, public library, or 208  
group thereof, to assist them in meeting the requirements of 209  
this section; 210

(2) Specifications for what data sets of public records 211  
must be included by a county, township, municipal corporation, 212  
or public library in order for the county, township, municipal 213

<u>corporation, or public library to be eligible for a grant;</u>	214
<u>(3) A requirement that data satisfying the grant criteria</u>	215
<u>be posted on the internet by the county, township, municipal</u>	216
<u>corporation, or public library, in an open format;</u>	217
<u>(4) Specifications for consistent formatting and</u>	218
<u>technology standards for data satisfying the grant eligibility</u>	219
<u>criteria;</u>	220
<u>(5) Specifications for accounting standards for data</u>	221
<u>provided by a county, township, municipal corporation, or public</u>	222
<u>library; and</u>	223
<u>(6) A requirement that the data provided by a grantee be</u>	224
<u>provided in an open format that is compatible with, and able to</u>	225
<u>be published by the treasurer of state as part of, the Ohio</u>	226
<u>online checkbook or a similar program.</u>	227
<u>Required data may be different for counties, townships,</u>	228
<u>municipal corporations, or public libraries.</u>	229
<u>(C) The state librarian shall disburse a grant of ten</u>	230
<u>thousand dollars to each county, township, municipal</u>	231
<u>corporation, or public library that meets the grant eligibility</u>	232
<u>criteria established by the state librarian, or to a regional</u>	233
<u>planning commission, metropolitan planning organization, or</u>	234
<u>regional council of governments that applied for a grant on</u>	235
<u>behalf of a county, township, municipal corporation, public</u>	236
<u>library, or group thereof that meets the grant eligibility</u>	237
<u>criteria established by the state librarian. Grants shall be</u>	238
<u>awarded in the order in which a county, township, municipal</u>	239
<u>corporation, or public library has met the eligibility criteria.</u>	240
<u>The total amount of grants awarded shall not exceed the amount</u>	241
<u>that can be funded with appropriations made by the general</u>	242

assembly for this purpose. 243

(D) Nothing in this section prohibits a grantee who 244  
received a grant under this section from pooling the grant with 245  
other grants received under this section by other grantees, to 246  
assist them in meeting the requirements of this section or to 247  
comply with section 149.61 of the Revised Code. 248

**Section 2.** All items in this section are hereby 249  
appropriated as designated out of any moneys in the state 250  
treasury to the credit of the General Revenue Fund. For all 251  
appropriations made in this act, those in the first column are 252  
for fiscal year 2018 and those in the second column are for 253  
fiscal year 2019. The appropriations made in this act are in 254  
addition to any other appropriations made for the FY 2018-FY 255  
2019 biennium. 256

	AUD	AUDITOR OF STATE		
GRF 070321 Operating Expenses		\$350,000	\$0	258
Total GRF General Revenue Fund		\$350,000	\$0	259
TOTAL ALL BUDGET FUND GROUPS		\$350,000	\$0	260

DATAOHIO CHARTS OF ACCOUNTS 261

Of the foregoing appropriation item 070321, Operating 262  
Expenses, up to \$350,000 in fiscal year 2018 shall be used to 263  
develop uniform charts of accounts, establish uniform accounting 264  
procedures, and adopt rules for their implementation by all 265  
public offices. 266

Within the limits set forth in this act, the Director of 267  
Budget and Management shall establish accounts indicating the 268  
source and amount of funds for each appropriation made in this 269  
act, and shall determine the form and manner in which 270

appropriation accounts shall be maintained. Expenditures from 271  
the appropriations contained in this act shall be accounted for 272  
as though made in the main operating appropriations act of the 273  
132nd General Assembly. The appropriations made in this act are 274  
subject to all provisions of the main operating appropriations 275  
act of the 132nd General Assembly that are generally applicable 276  
to such appropriations. 277