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

A BILL

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

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

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

Sec. 117.432. (A) 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. It is the intent of the general assembly to facilitate the ability of the public easily to compare public data generated by the state and other public offices using this common language.

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

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

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

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

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

(B)(1) The auditor of state shall establish, administer, and operate a web site 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 the state. The web site shall be registered as data.Ohio.gov. These public records and data sets of public records shall be made 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 web site may catalog or store original data or processed data, including original public records and aggregated or summarized content of data sets.

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

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

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

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

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

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

(B)(1) 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. It is the intent of
the general assembly 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, which shall do all of the following:

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

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

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

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

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

(2) The DataOhio board shall 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 effective
    date of this section, and thereafter shall deliver to them a
    report of its findings and recommendations by the thirty-first
    day of March each year.

(C) The DataOhio board shall consist of the following
members or their designees:

(1) The governor;

(2) The attorney general;

(3) The auditor of state;

(4) The secretary of state;

(5) The treasurer of state;

(6) The speaker of the house of representatives;

(7) The president of the senate;

(8) One member who represents newspapers, to be appointed by the Ohio newspaper association;

(9) One member who represents businesses that use data sets of public records, to be appointed by the chairperson after the chairperson is selected;

(10) The chancellor of the Ohio board of regents;

(11) The state librarian;

(12) One member who represents data consumers, to be appointed by the chairperson after the chairperson is selected;

(13) One member who is an officer of a municipal corporation, to be appointed by the Ohio municipal league;

(14) One member who is an officer of a township, to be appointed by the Ohio township association;

(15) One member who is an officer of a county, to be appointed by the county commissioners association of Ohio;

(16) One member who represents nonprofit think tanks that use data sets of public records, to be appointed by the
chairperson after the chairperson is selected; and

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

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

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

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

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

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

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

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

(3) "Public records policy" means the policy required by division (E) of section 149.43 of the Revised Code.

(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.

(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.

(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
post in accordance with the requirements of division (B) of this section, if any, is solely within the discretion of the public office. A public office's decision in this regard is final and may not be modified except by action of the public office.

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

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

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

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

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

(1) Grant eligibility criteria, which shall include a requirement that a grantee be a county, township, municipal corporation, or public library, or a regional planning commission, metropolitan planning organization, 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 requirements of this section;

(2) Specifications for what data sets of public records must be included by a county, township, municipal corporation, or public library in order for the county, township, municipal
corporation, or public library to be eligible for a grant;

(3) A requirement that data satisfying the grant criteria be posted on the internet by the county, township, municipal corporation, or public library, 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 county, township, municipal corporation, or public library; and

(6) A requirement that the data provided by a grantee be provided in an open 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.

(C) The state librarian shall disburse a grant of ten thousand dollars to each county, township, municipal corporation, or public library that meets the grant eligibility criteria established by the state librarian, or to a regional planning commission, metropolitan planning organization, or regional council of governments that applied for a grant on behalf of a county, township, municipal corporation, public library, or group thereof that meets the grant eligibility criteria established by the state librarian. Grants shall be awarded in the order in which a county, township, municipal corporation, or public library has met the eligibility criteria. The total amount of grants awarded shall not exceed the amount that can be funded with appropriations made by the general
assembly for this purpose.

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

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

AUDITOR OF STATE

<table>
<thead>
<tr>
<th>AUD</th>
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<td>DATAOHIO CHARTS OF ACCOUNTS</td>
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Of the foregoing appropriation item 070321, Operating Expenses, up to $350,000 in fiscal year 2018 shall be used to develop uniform charts of accounts, establish uniform accounting procedures, and adopt rules for their implementation by all public offices.

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