



Ohio Legislative Service Commission

Bill Analysis

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Sub. H.B. 324*

130th General Assembly

(As Reported by H. Finance and Appropriations)

Reps. Duffey and C. Hagan, Amstutz, Blair, Butler, Henne, Landis, Roegner, Schuring, Sears, Terhar, Bishoff, Hackett, Young, Brown

BILL SUMMARY

Online public record access

- Specifies that a public office that posts public records on its website or a state website shall make its best efforts to post the records in open format.
- 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 requires a public office to submit this statement to the DataOhio Board.

Dataohio Board

- Creates the 15-member DataOhio Board, which is required to make recommendations to the General Assembly regarding online public record access.
- Requires the DataOhio Board to deliver a report of its findings and recommendations to the General Assembly not later than March 31 each year.

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 procedures and charts with a "DataOhio Transparency Award – Uniformity of Accounting."

* This analysis was prepared before the report of the House Finance and Appropriations Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

Data.Ohio.gov

- Establishes an online catalog of public records and public records data sets, data.Ohio.gov, which is to be established and administered and operated by the Auditor of State.

Local Government Information Exchange Grant Program

- Establishes the Local Government Information Exchange Grant Program, which is to be administered by the Director of Administrative Services.
- Requires the Director to adopt rules to administer the Program, including grant eligibility criteria.
- Requires the Director to disburse a \$10,000 grant to each local government 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.

CONTENT AND OPERATION

Online public record access

The bill, in the Public Records Act, 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 record in an open format so that the public record, or the data contained in the public record, is capable of being searched, viewed, and downloaded by the public, and is in a format that is machine readable.¹

The bill requires a public office that posts public records online to include in its public records policy a statement indicating which public records the public office posts online. A public office must submit its statement to the DataOhio Board not later than 30 days after amending its public records policy to include the statement.²

The bill specifies that a public office is not required to post public records online. It also specifies that a public office's decision whether to post public records online is

¹ R.C. 149.43(G)(1).

² R.C. 149.43(G)(2).



solely within the discretion of the public office, is final, and may not be modified except by the public office.³

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 and data. 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 declares that it is a public purpose and function of the state to facilitate the ability of the public easily to find, download, and use data sets that are generated and held by the state government and other public offices.⁴ With these goals in mind, the General Assembly creates the DataOhio Board to do all of the following:

(1) Recommend categories of public records that state agencies and local governments should make available to the public online in an "open format,"⁵ meaning that the public record, or the data contained in the public record, is capable of being searched, viewed, and downloaded by the public, and is in a format that is machine readable;

(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 in the state to facilitate comparison across public offices and services;

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

(5) Consider creation by the state of data.ohio.gov, an online catalog of data sets made available by state agencies and local governments, as well as collaboration with efforts underway at the federal and state levels.

³ R.C. 149.43(G)(3).

⁴ R.C. 149.62(B).

⁵ R.C. 149.62(A)(3).



The DataOhio Board must deliver a report of its findings and recommendations to the General Assembly not later than one year after the bill's effective date, and thereafter must deliver such a report by March 31 each year.⁶

Board membership and organization

Under the bill, the DataOhio Board is composed of the following 15 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, Minority Leader of the House of Representatives, Minority Leader of the Senate, Chancellor of the Ohio Board of Regents, the State Librarian, one member who represents data consumers to be appointed by the chairperson after the chairperson is selected, and three members who represent local governments to be appointed by the chairperson after the chairperson is selected. 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. Members of the Board serve without compensation, but are reimbursed for their actual and necessary expenses incurred in the performance of their duties.⁷

The bill requires the Board to select a chairperson from among its members. The chairperson must select a member of the Board to serve as the Board's secretary. The initial meeting of the Board must be at the call of the State Librarian and held not later than 30 days after the bill's effective date. After its initial meeting, all meetings of the Board must be held at the call of the chairperson.

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 Board members is necessary for any action to be taken by the Board.⁸

The State Library of Ohio must provide necessary meeting facilities to the Board.⁹

Uniform accounting procedures and charts of accounts

The bill requires that rules be adopted to establish uniform accounting procedures and charts of accounts for public offices in Ohio. Within two years of the bill's effective date, the Auditor of State must establish, by rule adopted under the

⁶ R.C. 149.62(B).

⁷ R.C. 149.62(C).

⁸ R.C. 149.62(E).

⁹ R.C. 149.62(D).



Administrative Procedure Act (which requires notice and a public hearing), 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 are to be declared by the Auditor to have earned a "DataOhio Transparency Award – Uniformity of Accounting."¹⁰ Use of the uniform accounting procedures and charts of accounts is not required.

Not later than four years after the bill's effective date, the Auditor must submit to the General Assembly proposed legislation to establish uniform accounting procedures and charts of accounts for all public offices. In preparing the proposed legislation, the Auditor must consider the experiences of public offices that have maintained their financial records using the procedures and charts prescribed in the rules described above.¹¹

The bill allows the Auditor to designate existing uniform accounting procedures or charts of accounts that satisfy the above requirements. And, the Auditor may supplement or amend existing uniform accounting procedures or charts of accounts to satisfy the requirements.¹²

The bill states that the General Assembly recognizes that government transparency requires a common language of definitions for public information and that a uniform chart of accounts improves financial management while maintaining the principle of home rule over local matters. The uniform accounting procedures and charts of accounts the bill requires to be prescribed by rule therefore are declared to be a public purpose and function of the state to facilitate the ability of the public easily to compare public data generated by the state and other public offices using this common language.¹³

Data.Ohio.gov

The bill requires the Auditor of States to establish, administer, and operate a website, data.Ohio.gov, where public records and data sets of public records created by state government and other public offices may be located and accessed by the public online. The website is to function as a portal and catalog of these public records and data sets.

¹⁰ O.K. 117.432(B).

¹¹ R.C. 117.432(C).

¹² R.C. 117.432(D).

¹³ R.C. 117.432(A).



The Auditor of State is required to consult with the State Librarian regarding the collection, aggregation, presentation, and accessibility of data in relation to data.Ohio.gov.

The bill requires the website to offer access to public records or data sets of public records posted online by public offices by providing links to websites of public offices that contain this information. The bill specifies that the website may post original data or data sets that contain original content or summarized content of data sets obtained from public offices.

The bill requires the state to consider participation and affiliation of the website with data.gov, the official federal online data catalog.

The Auditor of State is required to 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 may not charge a fee in relation to data.Ohio.gov. The Director must make every effort to ensure the data provided on the website via weblink or posted as original data is open format and machine readable.¹⁴

Local Government Information Exchange Grant Program

The bill establishes the Local Government Information Exchange Grant Program in the Department of Administrative Services. The Program must be administered by the Director of Administrative Services. The Director is required to adopt rules under the Administrative Procedure Act (which affords notice and a public hearing) as are necessary to administer the Program.¹⁵ The rules must include all of the following:

(1) Grant eligibility criteria that must 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 government;¹⁶

(2) Specifications for what "data points" must be included by applicants in order for the applicants to be eligible for the grant funding;

(3) A requirement that electronic data satisfying the grant criteria be posted on the Internet, by the applicant or the state, in an open format that is capable of being searched, viewed, and downloaded by the public;

¹⁴ R.C. 149.65.

¹⁵ R.C. 149.60(B).

¹⁶ R.C. 149.60(A).



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

(5) Specifications for accounting standards for data provided by applicants.

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

The bill requires that the Director disburse a grant of \$10,000 to each county, township, municipal corporation, public library, regional planning commission, metropolitan planning organization, or regional council of government that meets the grant eligibility criteria established by the Director. Grants must be awarded in the order in which the grantees have 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.¹⁷

HISTORY

ACTION	DATE
Introduced	10-29-13
Reported, H. State & Local Gov't	05-18-14
Reported, H. Finance & Appropriations	---

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¹⁷ R.C. 149.60(C).

