Ohio Legislative Service Commission

Bill Analysis   Bethany Boyd

H.B. 46
131st General Assembly
(As Introduced)

Reps.   Dovilla and Dever, Becker, Blessing, Boose, Brown, Derickson, Duffey, Grossman, Hackett, Hambley, T. Johnson, Maag, Perales, Rezabek, Roegner, Romanchuk, Schaffer, Scherer, Thompson, Vitale, Zeltwanger

BILL SUMMARY

- Requires the Treasurer of State to establish and maintain on the Treasurer's website the Ohio State Government Expenditure Database that includes information about expenditures state entities made in each fiscal year.

- Requires that the Database be accessible to the public at no charge.

- Requires each state entity, at least monthly and through the Ohio Administrative Knowledge System, to provide to the Treasurer of State, for inclusion in the Database, information about each of the state entity's expenditures paid to a vendor for the preceding month, at no charge to the Treasurer of State.

- Requires the Database to include certain expenditure information and to have specific search and filter capabilities.

- Requires the Treasurer of State to organize data in the Database by developing and publishing charts and graphs on the Treasurer's website, and to provide an opportunity for public comment as to the Database's utility.

- Requires the Treasurer of State to include Database usage data in the Treasurer's annual report to the Governor of the Treasurer's transactions, proceedings, and official acts.

- Prohibits the Database from including information that is confidential or that is not a public record under state law, but provides that the Treasurer of State and the Treasurer's employees are not liable for disclosure of a Database record that is confidential or not a public record.

- Authorizes the Treasurer of State to adopt reasonable rules under the abbreviated rule-making procedure that implement, and are consistent with, the bill.

- Requires each state entity to display on its website a prominent Internet link to the Database.

CONTENT AND OPERATION

Ohio State Government Expenditure Database

Creation and operation of the Database

The bill requires the Treasurer of State to establish and maintain the Ohio State Government Expenditure Database, which must be accessible by members of the public without charge. The Database must be available on the Treasurer of State's website and must include information about expenditures state entities made in each fiscal year that commences after the bill's effective date. An "expenditure" is a payment, distribution, loan, advance, reimbursement, deposit, or gift of money from a state entity to any vendor that is processed through the Ohio Administrative Knowledge System (OAKS).[1]

State entities are required to assist the Treasurer of State in the development, establishment, operation, storage, hosting, and support of the Database at no cost to the Treasurer of State. At least monthly, through OAKS, each state entity must provide information to the Treasurer of State for inclusion in the Database regarding each of the entity's expenditures paid to a vendor for the preceding month. State entities must comply with all of the bill's requirements using existing resources, and no state entity may charge the Treasurer of State for any costs arising from compliance with the bill.[2]

Applicable definitions

The bill applies to state entities, and defines a "state entity" as the General Assembly, Supreme Court, Court of Claims, office of an elected state officer, or a department, bureau, board, office, commission, agency, institution, instrumentality, or other governmental entity of the state established by the Constitution or laws of the state for the exercise of any function of state government, but *excludes* a county, city, village, township, park district, school district, regional transit authority, institution of

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[1] R.C. 113.50(A) and 113.51. OAKS is a statewide, web-based enterprise resource planning system that serves as the primary integrated system for performing the state's central administrative business functions. OAKS replaced the state's former accounting, human resources, and procurement and fixed asset systems, as well as the capital improvements system.

[2] R.C. 113.51 and 113.53(B).

higher education, the Public Employees Retirement System, the Ohio Police and Fire Pension Fund, the State Teachers Retirement System, the School Employees Retirement System, the State Highway Patrol Retirement System, the City of Cincinnati Retirement System, and the nonprofit corporation known as JobsOhio or any subsidiary of JobsOhio.[3]

The "school districts" excluded from the definition of "state entity" are city, local, exempted village, or joint vocational school districts; science, technology, engineering, and mathematics (STEM) schools; and educational service centers. However, community (charter) schools are state entities under the bill because they are not "school districts" under the bill's definition. Thus, it appears that community schools are subject to the bill's expenditure reporting requirements.[4]

Under the bill, a "vendor" is any person, partnership, corporation, association, organization, state entity, or other party, including any executive officer, legislative officer, judicial officer, or member or employee of a state entity that either (1) sells, leases, or otherwise provides equipment, materials, goods, supplies, or services to a state entity pursuant to a contract between the vendor and a state entity or (2) receives reimbursement from a state entity for any expense.[5]

Database expenditure information

For each expenditure, the Ohio State Government Expenditure Database must include the following information:

(1) The amount of the expenditure;

(2) The date the expenditure was paid;

(3) The vendor to which the expenditure was paid; and

(4) The state entity that made the expenditure or requested that the expenditure be made.[6]

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[3] R.C. 113.50(B) and (D).

[4] R.C. 113.50(C).

[5] R.C. 113.50(E).

[6] R.C. 113.52.

Database features

The Ohio State Government Expenditure Database must include all of the following features:[7]

⬥ A searchable database of all expenditures;

⬥ The ability to filter expenditures by the category of expense and by the OAKS accounting code for a specific good or service;

⬥ The ability to search and filter by any of the factors listed in paragraphs (1) through (4), above;

⬥ The ability to aggregate data contained in the Database;

⬥ The ability to determine the total amount of expenditures awarded to a vendor by a state entity;

⬥ The ability to download information obtained through the database; and

⬥ A searchable database of state and "school district" employee salary and employment information. This information must be provided to the Treasurer of State by the Department of Administrative Services or the Department of Education, as applicable, with data fields provided in a format, manner, and time frame determined by the Treasurer of State.[8]

Other requirements for the Treasurer of State

The bill requires the Treasurer of State to develop and publish on the Treasurer's website state graphical representations of data contained in the Database, including charts and graphs, to enhance and organize the data. The topics illustrated by and

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[7] R.C. 113.53.

[8] R.C. 113.53. The inclusion of school district employee salary and employment information in the Database may create an uncertainty. On the one hand, school districts, but not community schools, are excluded from the definition of "state entity," which might suggest that the Database is not intended to include school districts other than community schools. See R.C. 113.50(C) and (D). On the other hand, the bare reference to "school districts," such as appears here apart from the definition of "state entity," might suggest that city, local, exempted village, or joint vocational schools, science, technology, and mathematics schools, or educational service centers, but not community schools, are intended to be referred to. See R.C. 113.50(C).

frequency of developing and publishing these representations must be determined by the Treasurer of State.[9]

Not later than one year after the Database is implemented, the bill requires the Treasurer of State to provide, on the Treasurer's website, an opportunity for public comment as to the Database's utility.[10]

The Treasurer of State must include data regarding the usage of the Database in the Treasurer's annual report to the Governor of the Treasurer's transactions, official acts, and proceedings, which is required, under continuing law, to be filed each year by December 31.[11]

Exclusion from liability for disclosure

The bill prohibits the Database from including any information that is determined to be confidential or that is not a public record under state law, but the Treasurer of State and the Treasurer's employees are not liable for the disclosure of a record contained in the Database that is determined to be confidential or that is not a public record under state law.[12]

Rule-making authorized

The Treasurer of State may adopt reasonable rules under the abbreviated rule-making procedure (R.C. 111.15) that implement, and are consistent with, the bill.[13]

Required link to Database

The bill requires each state entity to display on its website a prominent Internet link to the Database.[14]

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[9] R.C. 113.54.

[10] R.C. 113.55.

[11] R.C. 113.57; R.C. 149.01, not in the bill.

[12] R.C. 113.56.

[13] R.C. 113.59. The abbreviated rule-making procedure, unlike the rule-making procedure of the Administrative Procedure Act, does not require agencies to give notice of the intention to adopt a rule, to conduct a public hearing on a proposed rule, or to give notice to persons who are affected by the adoption of a rule. *Compare* R.C. 111.15 *with* R.C. 119.03, neither of which is in the bill.

[14] R.C. 113.58.

HISTORY

ACTION	DATE
Introduced	02-10-15

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