

As Introduced

134th General Assembly

Regular Session

2021-2022

S. B. No. 179

Senator Thomas

Cosponsors: Senators Maharath, Antonio, Fedor, Yuko, Craig

A BILL

To amend section 101.15 of the Revised Code to 1
require that a committee of the General Assembly 2
establish a means of hearing virtual testimony. 3

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

Section 1. That section 101.15 of the Revised Code be 4
amended to read as follows: 5

Sec. 101.15. (A) As used in this section: 6

(1) "Caucus" means all of the members of either house of 7
the general assembly who are members of the same political 8
party. 9

(2) "Committee" means any committee of either house of the 10
general assembly, a joint committee of both houses of the 11
general assembly, including a committee of conference, or a 12
subcommittee of any committee listed in division (A)(2) of this 13
section. 14

(3) "Meeting" means any prearranged discussion of the 15
public business of a committee by a majority of its members. 16

(B) Except as otherwise provided in division (F) of this 17

section, all meetings of any committee are declared to be public 18
meetings open to the public at all times. The secretary assigned 19
to the chairperson of the committee shall prepare, file, and 20
maintain the minutes of every regular or special meeting of a 21
committee. The committee, at its next regular or special 22
meeting, shall approve the minutes prepared, filed, and 23
maintained by the secretary, or, if the minutes prepared, filed, 24
and maintained by the secretary require correction before their 25
approval, the committee shall correct and approve the minutes at 26
the next following regular or special meeting. The committee 27
shall make the minutes available for public inspection not later 28
than seven days after the meeting the minutes reflect or not 29
later than the committee's next regular or special meeting, 30
whichever occurs first. 31

(C) Each committee shall establish a reasonable method 32
whereby any person may determine the time and place of all 33
regularly scheduled meetings and the time, place, and purpose of 34
all special meetings. No committee shall hold a regular or 35
special meeting unless it gives at least twenty-four hours' 36
advance notice to the news media that have requested 37
notification. 38

The method established by each committee shall provide 39
that, upon request and payment of a reasonable fee, any person 40
may obtain reasonable advance notification of all meetings at 41
which any specific type of public business will be discussed. 42
Provisions for advance notification may include, but are not 43
limited to, mailing the agenda of meetings to all subscribers on 44
a mailing list or mailing notices in self-addressed stamped 45
envelopes provided by the person who desires advance 46
notification. 47

(D) Any action of a committee relating to a bill or resolution, or any other formal action of a committee, is invalid unless taken in an open meeting of the committee. Any action of a committee relating to a bill or resolution, or any other formal action of a committee, taken in an open meeting is invalid if it results from deliberations in a meeting not open to the public.

(E) (1) Any person may bring an action to enforce this section. An action under this division shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the committee to comply with its provisions.

(2) (a) If the court of common pleas issues an injunction under division (E) (1) of this section, the court shall order the committee that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as described in this division, reasonable attorney's fees. The court, in its discretion, may reduce an award of attorney's fees to the party that sought the injunction or not award attorney's fees to that party if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the violation or threatened violation that was the basis of the injunction, a well-informed committee reasonably would believe that the committee was not violating or threatening to violate this section;

(ii) That a well-informed committee reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction under division (E)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the committee all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a committee who knowingly violates an injunction issued under division (E)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney of Franklin county or by the attorney general.

(5) The remedies described in divisions (E)(1) to (4) of this section shall be the exclusive remedies for a violation of this section.

(F) This section does not apply to or affect either of the following:

(1) All meetings of the joint legislative ethics committee created under section 101.34 of the Revised Code other than a meeting that is held for any of the following purposes:

(a) To consider the adoption, amendment, or rescission of 107
any rule that the joint legislative ethics committee is 108
authorized to adopt pursuant to division (B) (11) of section 109
101.34, division (E) of section 101.78, division (B) of section 110
102.02, or division (E) of section 121.68 of the Revised Code; 111

(b) To discuss and consider changes to any administrative 112
operation of the joint legislative ethics committee other than 113
any matter described in division (G) of section 121.22 of the 114
Revised Code; 115

(c) To discuss pending or proposed legislation. 116

(2) Meetings of a caucus. 117

(G) For purposes of division (F) (1) (a) of this section, an 118
advisory opinion, written opinion, or decision relative to a 119
complaint is not a rule. 120

(H) (1) The chairperson of the committee shall provide the 121
public access to a meeting by means of teleconference, video 122
conference, or any other similar electronic technology. The 123
chairperson shall ensure that the public can hear, and if the 124
technological means permit observation, observe the discussions 125
and deliberations of all the members of the committee. 126

(2) The chairperson of the committee shall establish a 127
means, through the use of electronic equipment that is widely 128
available to the general public, to converse with witnesses, and 129
to receive documentary testimony and physical evidence. 130

Section 2. That existing section 101.15 of the Revised 131
Code is hereby repealed. 132