

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 36

Representative Dyer

**Cosponsors: Representatives Williams, B., Hagan, Murray, Winburn, Harris,
Pillich, Boyd, DeBose**

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To amend section 101.15 and to enact sections 101.151 1
and 101.16 of the Revised Code to require expanded 2
minutes for legislative committee meetings or a 3
transcribed record of committee proceedings in 4
lieu of minutes, and to require sworn testimony of 5
all witnesses testifying before legislative 6
committees. 7

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

Section 1. That section 101.15 be amended and sections 8
101.151 and 101.16 of the Revised Code be enacted to read as 9
follows: 10

Sec. 101.15. (A) As used in this section and in sections 11
101.151 and 101.16 of the Revised Code: 12

(1) "Caucus" means all of the members of either house of the 13
general assembly who are members of the same political party. 14

(2) "Committee" means any committee of either house of the 15
general assembly, a joint committee of both houses of the general 16
assembly, including a committee of conference, or a subcommittee 17
of any committee listed in division (A)(2) of this section. 18

(3) "Meeting" means any prearranged discussion of the public 19
business of a committee by a majority of its members. 20

(B) Except as otherwise provided in division (F) of this 21
section, all meetings of any committee are declared to be public 22
meetings open to the public at all times. ~~The Except as otherwise~~ 23
~~provided in section 101.151 of the Revised Code, the~~ secretary 24
assigned to the chairperson of the committee shall prepare, file, 25
and maintain ~~the~~ minutes of every regular or special meeting of a 26
committee. ~~The minutes shall, at a minimum, consist of a~~ 27
~~paraphrased summary of all testimony and exhibits presented, all~~ 28
~~discussion had, and each question asked and answer given during~~ 29
~~the meeting. The committee, at its next regular or special meeting~~ 30
~~not later than its second regular meeting following the regular or~~ 31
~~special meeting being recorded by the minutes, shall approve the~~ 32
minutes prepared, filed, and maintained by the secretary, or, if 33
the minutes prepared, filed, and maintained by the secretary 34
require correction before their approval, the committee shall 35
correct and approve the minutes at the next ~~following~~ regular or 36
special meeting. The committee shall make the minutes available 37
for public inspection not later than seven days after the meeting 38
at which the minutes reflect were approved, or not later than the 39
committee's next regular or special meeting following the meeting 40
at which the minutes were approved, whichever occurs first. When 41
the minutes are available for public inspection, the secretary 42
shall file them with the clerk. The clerk shall post the minutes 43
on the general assembly's web site in a manner that links each 44
portion of the minutes that is relevant to a particular bill or 45
resolution to the legislative history of that bill or resolution. 46

(C) Each committee shall establish a reasonable method 47
whereby any person may determine the time and place of all 48
regularly scheduled meetings and the time, place, and purpose of 49
all special meetings. No committee shall hold a regular or special 50

meeting unless it gives at least twenty-four hours' advance notice 51
to the news media that have requested notification. 52

The method established by each committee shall provide that, 53
upon request and payment of a reasonable fee, any person may 54
obtain reasonable advance notification of all meetings at which 55
any specific type of public business will be discussed. Provisions 56
for advance notification may include, but are not limited to, 57
mailing the agenda of meetings to all subscribers on a mailing 58
list or mailing notices in self-addressed stamped envelopes 59
provided by the person who desires advance notification. 60

(D) Any action of a committee relating to a bill or 61
resolution, or any other formal action of a committee, is invalid 62
unless taken in an open meeting of the committee. Any action of a 63
committee relating to a bill or resolution, or any other formal 64
action of a committee, taken in an open meeting is invalid if it 65
results from deliberations in a meeting not open to the public. 66

(E)(1) Any person may bring an action to enforce this 67
section. An action under this division shall be brought within two 68
years after the date of the alleged violation or threatened 69
violation. Upon proof of a violation or threatened violation of 70
this section in an action brought by any person, the court of 71
common pleas shall issue an injunction to compel the members of 72
the committee to comply with its provisions. 73

(2)(a) If the court of common pleas issues an injunction 74
under division (E)(1) of this section, the court shall order the 75
committee that it enjoins to pay a civil forfeiture of five 76
hundred dollars to the party that sought the injunction and shall 77
award to that party all court costs and, subject to reduction as 78
described in this division, reasonable attorney's fees. The court, 79
in its discretion, may reduce an award of attorney's fees to the 80
party that sought the injunction or not award attorney's fees to 81
that party if the court determines both of the following: 82

(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 114
meeting that is held for any of the following purposes: 115

(a) To consider the adoption, amendment, or rescission of any 116
rule that the joint legislative ethics committee is authorized to 117
adopt pursuant to division (B)(11) of section 101.34, division (E) 118
of section 101.78, division (B) of section 102.02, or division (E) 119
of section 121.68 of the Revised Code; 120

(b) To discuss and consider changes to any administrative 121
operation of the joint legislative ethics committee other than any 122
matter described in division (G) of section 121.22 of the Revised 123
Code; 124

(c) To discuss pending or proposed legislation. 125

(2) Meetings of a caucus. 126

(G) For purposes of division (F)(1)(a) of this section, an 127
advisory opinion, written opinion, or decision relative to a 128
complaint is not a rule. 129

Sec. 101.151. At the discretion of the chairperson of a 130
committee, a transcribed record of a meeting of the committee may 131
be used in lieu of minutes. The secretary of the committee shall 132
arrange for the recordation and transcription of the committee 133
proceedings, including a verbatim record of all testimony, 134
discussion, and questions and answers. The committee shall make 135
the transcribed record available for public inspection not later 136
than seven days after it is received from the person providing the 137
transcription services. The secretary shall file and maintain the 138
original transcribed record and any exhibits. 139

When the transcribed record of committee proceedings is 140
available for public inspection, a copy shall be filed with the 141
clerk. The clerk shall post the transcribed record on the general 142
assembly's web site in a manner that links each portion of the 143

record that is relevant to a particular bill or resolution to the 144
legislative history of that bill or resolution. 145

Sec. 101.16. A person who testifies as a witness before a 146
committee shall raise the person's right hand and be sworn in by 147
the chairperson or acting chairperson using the following 148
statement: 149

"Do you swear (or affirm) that the testimony you are about to 150
give before this committee is the truth, the whole truth, and 151
nothing but the truth, (so help you God)?" 152

A person may not offer testimony as a witness before a 153
committee unless the statement has been answered in the 154
affirmative. 155

A person who, after answering the statement in the 156
affirmative, is found to have offered untruthful testimony in 157
violation of the statement violates section 2921.11 of the Revised 158
Code. 159

Section 2. That existing section 101.15 of the Revised Code 160
is hereby repealed. 161