

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 499**

**Representative Damschroder**

**Cosponsors: Representatives Henne, Stinziano, Szollosi, Murray, Dovilla,  
Okey, Goodwin, Yuko**

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**A B I L L**

To amend section 101.15 and to enact section 101.16 1  
of the Revised Code to require publication of 2  
legislative committee testimony on the General 3  
Assembly's web site. 4

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

**Section 1.** That section 101.15 be amended and section 101.16 5  
of the Revised Code be enacted to read as follows: 6

**Sec. 101.15.** (A) As used in this section and section 101.16 7  
of the Revised Code: 8

(1) "Caucus" means all of the members of either house of the 9  
general assembly who are members of the same political party. 10

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

(3) "Meeting" means any prearranged discussion of the public 15  
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 meeting, 22  
shall approve the minutes prepared, filed, and maintained by the 23  
secretary, or, if the minutes prepared, filed, and maintained by 24  
the secretary require correction before their approval, the 25  
committee shall correct and approve the minutes at the next 26  
following regular or special meeting. The committee shall make the 27  
minutes available for public inspection not later than seven days 28  
after the meeting the minutes reflect or not later than the 29  
committee's next regular or special meeting, whichever occurs 30  
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 special 35  
meeting unless it gives at least twenty-four hours' advance notice 36  
to the news media that have requested notification. 37

The method established by each committee shall provide that, 38  
upon request and payment of a reasonable fee, any person may 39  
obtain reasonable advance notification of all meetings at which 40  
any specific type of public business will be discussed. Provisions 41  
for advance notification may include, but are not limited to, 42  
mailing the agenda of meetings to all subscribers on a mailing 43  
list or mailing notices in self-addressed stamped envelopes 44  
provided by the person who desires advance notification. 45

(D) Any action of a committee relating to a bill or 46  
resolution, or any other formal action of a committee, is invalid 47  
unless taken in an open meeting of the committee. Any action of a 48  
committee relating to a bill or resolution, or any other formal 49

action of a committee, taken in an open meeting is invalid if it 50  
results from deliberations in a meeting not open to the public. 51

(E)(1) Any person may bring an action to enforce this 52  
section. An action under this division shall be brought within two 53  
years after the date of the alleged violation or threatened 54  
violation. Upon proof of a violation or threatened violation of 55  
this section in an action brought by any person, the court of 56  
common pleas shall issue an injunction to compel the members of 57  
the committee to comply with its provisions. 58

(2)(a) If the court of common pleas issues an injunction 59  
under division (E)(1) of this section, the court shall order the 60  
committee that it enjoins to pay a civil forfeiture of five 61  
hundred dollars to the party that sought the injunction and shall 62  
award to that party all court costs and, subject to reduction as 63  
described in this division, reasonable attorney's fees. The court, 64  
in its discretion, may reduce an award of attorney's fees to the 65  
party that sought the injunction or not award attorney's fees to 66  
that party if the court determines both of the following: 67

(i) That, based on the ordinary application of statutory law 68  
and case law as it existed at the time of the violation or 69  
threatened violation that was the basis of the injunction, a 70  
well-informed committee reasonably would believe that the 71  
committee was not violating or threatening to violate this 72  
section; 73

(ii) That a well-informed committee reasonably would believe 74  
that the conduct or threatened conduct that was the basis of the 75  
injunction would serve the public policy that underlies the 76  
authority that is asserted as permitting that conduct or 77  
threatened conduct. 78

(b) If the court of common pleas does not issue an injunction 79  
under division (E)(1) of this section and the court determines at 80

that time that the bringing of the action was frivolous conduct as 81  
defined in division (A) of section 2323.51 of the Revised Code, 82  
the court shall award to the committee all court costs and 83  
reasonable attorney's fees, as determined by the court. 84

(3) Irreparable harm and prejudice to the party that sought 85  
the injunction shall be conclusively and irrebuttably presumed 86  
upon proof of a violation or threatened violation of this section. 87

(4) A member of a committee who knowingly violates an 88  
injunction issued under division (E)(1) of this section may be 89  
removed from office by an action brought in the court of common 90  
pleas for that purpose by the prosecuting attorney of Franklin 91  
county or by the attorney general. 92

(5) The remedies described in divisions (E)(1) to (4) of this 93  
section shall be the exclusive remedies for a violation of this 94  
section. 95

(F) This section does not apply to or affect either of the 96  
following: 97

(1) All meetings of the joint legislative ethics committee 98  
created under section 101.34 of the Revised Code other than a 99  
meeting that is held for any of the following purposes: 100

(a) To consider the adoption, amendment, or rescission of any 101  
rule that the joint legislative ethics committee is authorized to 102  
adopt pursuant to division (B)(11) of section 101.34, division (E) 103  
of section 101.78, division (B) of section 102.02, or division (E) 104  
of section 121.68 of the Revised Code; 105

(b) To discuss and consider changes to any administrative 106  
operation of the joint legislative ethics committee other than any 107  
matter described in division (G) of section 121.22 of the Revised 108  
Code; 109

(c) To discuss pending or proposed legislation. 110

(2) Meetings of a caucus. 111

(G) For purposes of division (F)(1)(a) of this section, an 112  
advisory opinion, written opinion, or decision relative to a 113  
complaint is not a rule. 114

Sec. 101.16. All written testimony submitted to a committee 115  
shall be posted on the general assembly's web site not later than 116  
ten business days after the day of the meeting for which the 117  
testimony was submitted. The secretary assigned to the chairperson 118  
of the committee shall submit the testimony to the clerk of the 119  
senate or the clerk of the house of representatives, as 120  
appropriate, or the clerk's designee, for upload not later than 121  
five business days after the day of the meeting. 122

**Section 2.** That existing section 101.15 of the Revised Code 123  
is hereby repealed. 124