



Phil Mullin

Bill Analysis

Legislative Service Commission

H.B. 262

124th General Assembly
(As Introduced)

Reps. Flannery, Otterman, Sullivan, Cirelli, Jerse, Barrett, Bocchieri, DePiero, Distel, Sykes, Carano, Allen, Rhine, Redfern, Key

BILL SUMMARY

- Requires that meetings of a working group that includes one or more General Assembly members be publicized and open to the public.

CONTENT AND OPERATION

Current law

Current law declares that all meetings of any committee are public meetings open to the public at all times. It defines "committee" as any committee of either house of the General Assembly, a joint committee of both houses of the General Assembly, including a committee of conference, or a subcommittee of any of these. 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. (Sec. 101.15(A)(2), (B), and (D).) Current law also requires that a committee give specified public notice of, and keep minutes of, its meetings and make the minutes available to the public (sec. 101.15(B) and (C)).

Current law establishes a procedure by which any person may bring an action to enforce the provisions described above relating to committees and their actions (sec. 101.15(E)). A committee member who knowingly violates an injunction that a court of common pleas issues upon proof of a violation or threatened violation of these provisions may be removed from office by an action brought in the court of common pleas for that purpose by the Franklin County Prosecuting Attorney or by the Attorney General (sec. 101.15(E)(4)).

Changes proposed by the bill

The bill makes a working group and its members subject to all of the provisions described under "**Current law**," above that apply to committees and their members. The bill defines "working group" as a group or body that has all of the following characteristics: (1) it includes one or more General Assembly members, (2) it is not a committee or a public body (see **COMMENT**) as defined in the Open Meetings Law, (3) it schedules more than one meeting, and (4) it has been established, authorized, organized, initiated, or approved by one or more officers of a state agency, or by the Speaker of the House of Representatives, the President of the Senate, or a chairperson of a committee, in order to consider, debate, deliberate, discuss, conduct hearings about, or work on a bill, resolution, or act during any of the following periods: (a) while a bill or resolution is pending before the General Assembly, (b) while an act awaits the approval of the Governor or a joint resolution proposing an amendment to the Ohio Constitution awaits the approval of the electors, (c) while an act awaits the adoption of rules implementing it, or (d) while an act, or while an amendment to the Ohio Constitution that was submitted to the electors by a joint resolution, awaits the resolution of any litigation relating to it. (Sec. 101.15(A)(4), (B), (C), (D), and (E).)

The bill also alters the definition of "committee" to specify that it includes any *standing or select* committee of either house of the General Assembly (sec. 101.15(A)(2)).

COMMENT

Existing law defines "public body" in relevant part as any of the following: (1) any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution or (2) any committee or subcommittee of a body described in item (1) above (sec. 121.22(B), not in the bill).

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
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| Introduced | 05-16-01 | p. 437 |

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