

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**S. B. No. 340**

**Senator Beagle**

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**A BILL**

To amend section 3304.50 and to enact sections 1  
3304.48, 3304.49, and 3304.51 of the Revised 2  
Code regarding the Ohio Statewide Independent 3  
Living Council. 4

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

**Section 1.** That section 3304.50 be amended and sections 5  
3304.48, 3304.49, and 3304.51 of the Revised Code be enacted to 6  
read as follows: 7

**Sec. 3304.48.** (A) There is hereby created the Ohio 8  
statewide independent living council. The council is established 9  
and shall be maintained pursuant to the "Rehabilitation Act 10  
Amendments of 1992," 29 U.S.C. 796d. The council shall act in 11  
accordance with 29 U.S.C. 796d. 12

(B) The council shall at all times be separate from, and 13  
not established within, any state agency. The council may be 14  
organized as a nonprofit corporation formed under Chapter 1702. 15  
of the Revised Code. 16

**Sec. 3304.49.** (A) The Ohio statewide independent living 17  
council shall consist of the following individuals who shall 18  
serve as voting members: 19

(1) One director of a center for independent living, 20  
selected by the directors of the centers for independent living 21  
in this state; 22

(2) Thirteen individuals appointed by the governor in 23  
accordance with the "Rehabilitation Act Amendments of 1992," 29 24  
U.S.C. 796d, with the advice and consent of the senate. 25

(B) The council shall consist of the following individuals 26  
who shall serve as nonvoting, ex officio members: 27

(1) A representative of the opportunities for Ohioans with 28  
disabilities agency; 29

(2) A representative of the Ohio developmental 30  
disabilities council; 31

(3) A representative of the department of developmental 32  
disabilities; 33

(4) A representative of the department of job and family 34  
services; 35

(5) A representative of the department of transportation. 36

**Sec. 3304.50.** The Ohio statewide independent living 37  
council ~~established and appointed by the governor under the~~ 38  
~~authority of section 107.18 of the Revised Code and pursuant to~~ 39  
~~the "Rehabilitation Act Amendments of 1992," 106 Stat. 4344, 29-~~ 40  
~~U.S.C.A. 796d,~~ shall appoint an executive director to serve at 41  
the pleasure of the council and shall fix ~~his~~ the executive 42  
director's compensation. The executive director shall not be 43  
considered a public employee for purposes of Chapter 4117. of 44  
the Revised Code. ~~The~~ 45

The council may delegate to the executive director the 46  
authority to appoint, remove, and discipline, without regard to 47

sex, race, creed, color, age, or national origin, such other 48  
professional, administrative, and clerical staff members as are 49  
necessary to carry out the functions and duties of the council. 50

Sec. 3304.51. (A) Notwithstanding division (C) of section 51  
121.22 of the Revised Code, the requirement for a member's 52  
presence in person at a meeting in order to be part of a quorum 53  
or to vote does not apply to any member of the Ohio statewide 54  
independent living council who is an individual with a 55  
disability, as described in 29 U.S.C. 705(20)(B), so long as 56  
either of the following apply: 57

(1) The council holds the meeting by interactive video 58  
conference and does all of the following: 59

(a) Establishes a primary meeting location that is open 60  
and accessible to the public; 61

(b) Establishes a clear video and audio connection that 62  
enables all meeting participants at the primary meeting location 63  
to witness the participation of each member; 64

(c) Records a roll call vote for each vote taken; 65

(d) Identifies in the minutes which members participated 66  
by interactive video conference. 67

(2) If the council determines its membership does not have 68  
access to and the council cannot provide access to the equipment 69  
needed to conduct interactive video conferencing, the council 70  
holds the meeting by teleconference and meets all of the 71  
requirements specified in division (A)(1) of this section. 72

(B) If the council intends to hold meetings by interactive 73  
video conference or teleconference as set forth in this section, 74  
the council shall establish all of the following: 75

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| <u>(1) A minimum number of members required to be physically</u>       | 76  |
| <u>present in person at the primary meeting location;</u>              | 77  |
| <u>(2) Geographic restrictions for participation in meetings</u>       | 78  |
| <u>by interactive video conference or teleconference;</u>              | 79  |
| <u>(3) A policy for distributing and circulating necessary</u>         | 80  |
| <u>documents to council members, the public, and the media in</u>      | 81  |
| <u>advance of any meeting at which members are permitted to attend</u> | 82  |
| <u>by interactive video conference or teleconference;</u>              | 83  |
| <u>(4) A method for verifying the identity of a member who</u>         | 84  |
| <u>remotely attends a meeting by teleconference.</u>                   | 85  |
| <b>Section 2.</b> That existing section 3304.50 of the Revised         | 86  |
| Code is hereby repealed.   | 87  |
| <b>Section 3.</b> The Ohio Statewide Independent Living Council        | 88  |
| created under section 3305.43 of the Revised Code, as enacted by       | 89  |
| this act, is a continuation of the Ohio Statewide Independent          | 90  |
| Living Council created by Executive Order 2000-02T, and                | 91  |
| reauthorized by subsequent executive orders, as a successor to         | 92  |
| the Ohio Independent Living Council established in 1993 by             | 93  |
| Executive Order 93-141V.   | 94  |
| The amendment of section 3304.50 and the enactment of                  | 95  |
| sections 3304.48, 3304.49, and 3304.51 of the Revised Code by          | 96  |
| this act do not affect the terms of office of the members of the       | 97  |
| Council as it exists immediately prior to the effective date of        | 98  |
| this act. Vacancies that occur on and after the effective date         | 99  |
| of this act shall be filled in accordance with those sections,         | 100 |
| as amended and enacted by this act.                                    | 101 |