

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 365

Senator Fedor

Cosponsors: Senators Maharath, Gavarone, Craig, Thomas, Yuko, Antonio

A BILL

To amend Section 12 of H.B. 197 of the 133rd 1
General Assembly to extend the authorization for 2
members of a public body to hold and attend 3
meetings or hearings via electronic technology, 4
during the period of the emergency declared by 5
Executive Order 2020-01D on March 9, 2020, until 6
the declared emergency is terminated. 7

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

Section 1. That Section 12 of H.B. 197 of the 133rd 8
General Assembly be amended to read as follows: 9

Sec. 12. (A) As used in this section: 10

"Hearing" means an administrative hearing, hearing as 11
defined in section 119.01 of the Revised Code, or other hearing 12
at which a person may present written or oral testimony on a 13
matter before the public body. 14

"Public body" and "meeting" have the meanings defined in 15
section 121.22 of the Revised Code. 16

(B) During the period of the emergency declared by 17

Executive Order 2020-01D, issued on March 9, 2020, ~~but not~~ 18
~~beyond December 1, 2020, if the period of the emergency~~ 19
~~continues beyond that date,~~ members of a public body may hold 20
and attend meetings and may conduct and attend hearings by means 21
of teleconference, video conference, or any other similar 22
electronic technology and all of the following apply: 23

(1) Any resolution, rule, or formal action of any kind 24
shall have the same effect as if it had occurred during an open 25
meeting or hearing of the public body. 26

(2) Notwithstanding division (C) of section 121.22 of the 27
Revised Code, members of a public body who attend meetings or 28
hearings by means of teleconference, video conference, or any 29
other similar electronic technology, shall be considered present 30
as if in person at the meeting or hearing, shall be permitted to 31
vote, and shall be counted for purposes of determining whether a 32
quorum is present at the meeting or hearing. 33

(3) Public bodies shall provide notification of meetings 34
and hearings held under this section to the public, to the media 35
that have requested notification of a meeting, and to the 36
parties required to be notified of a hearing, at least twenty- 37
four hours in advance of the meeting or hearing by reasonable 38
methods by which any person may determine the time, location, 39
and the manner by which the meeting or hearing will be 40
conducted, except in the event of an emergency requiring 41
immediate official action. In the event of an emergency, the 42
public body shall immediately notify the news media that have 43
requested notification or the parties required to be notified of 44
a hearing of the time, place, and purpose of the meeting or 45
hearing. 46

(4) The public body shall provide the public access to a 47

meeting held under this section, and to any hearing held under 48
this section that the public would otherwise be entitled to 49
attend, commensurate with the method in which the meeting or 50
hearing is being conducted, including, but not limited to, 51
examples such as live-streaming by means of the internet, local 52
radio, television, cable, or public access channels, call in 53
information for a teleconference, or by means of any other 54
similar electronic technology. The public body shall ensure that 55
the public can observe and hear the discussions and 56
deliberations of all the members of the public body, whether the 57
member is participating in person or electronically. 58

(C) When members of a public body conduct a hearing by 59
means of teleconference, video conference, or any other similar 60
electronic technology, the public body must establish a means, 61
through the use of electronic equipment that is widely available 62
to the general public, to converse with witnesses, and to 63
receive documentary testimony and physical evidence. 64

(D) The authority granted in this section applies 65
notwithstanding any conflicting provision of the Revised Code. 66
Nothing in this section shall be construed to negate any 67
provision of section 121.22 of the Revised Code, Chapter 119. of 68
the Revised Code, or other section of the Revised Code that is 69
not in conflict with this section. 70

(E) This section is effective ~~during~~ until the period of 71
the emergency declared by Executive Order 2020-01D, issued on 72
March 9, 2020, ~~or until December 1, 2020, if the period of the~~ 73
~~emergency continues beyond that date~~ is terminated. 74

Section 2. That existing Section 12 of H.B. 197 of the 75
133rd General Assembly is hereby repealed. 76