

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 791

Representatives Cutrona, Ginter

**Cosponsors: Representatives Green, Lang, Miranda, Lipps, Abrams, Stephens,
Stoltzfus, Smith, K., Stein, Seitz, Richardson, Riedel, Becker, Carfagna, Perales**

A BILL

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

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

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

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

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

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

(B) During the period of the emergency declared by 18
Executive Order 2020-01D, issued on March 9, 2020, ~~but not~~ 19
~~beyond December 1, 2020, if the period of the emergency~~ 20
~~continues beyond that date,~~ members of a public body may hold 21
and attend meetings and may conduct and attend hearings by means 22
of teleconference, video conference, or any other similar 23
electronic technology and all of the following apply: 24

(1) Any resolution, rule, or formal action of any kind 25
shall have the same effect as if it had occurred during an open 26
meeting or hearing of the public body. 27

(2) Notwithstanding division (C) of section 121.22 of the 28
Revised Code, members of a public body who attend meetings or 29
hearings by means of teleconference, video conference, or any 30
other similar electronic technology, shall be considered present 31
as if in person at the meeting or hearing, shall be permitted to 32
vote, and shall be counted for purposes of determining whether a 33
quorum is present at the meeting or hearing. 34

(3) Public bodies shall provide notification of meetings 35
and hearings held under this section to the public, to the media 36
that have requested notification of a meeting, and to the 37
parties required to be notified of a hearing, at least twenty- 38
four hours in advance of the meeting or hearing by reasonable 39
methods by which any person may determine the time, location, 40
and the manner by which the meeting or hearing will be 41
conducted, except in the event of an emergency requiring 42
immediate official action. In the event of an emergency, the 43
public body shall immediately notify the news media that have 44
requested notification or the parties required to be notified of 45
a hearing of the time, place, and purpose of the meeting or 46
hearing. 47

(4) The public body shall provide the public access to a 48
meeting held under this section, and to any hearing held under 49
this section that the public would otherwise be entitled to 50
attend, commensurate with the method in which the meeting or 51
hearing is being conducted, including, but not limited to, 52
examples such as live-streaming by means of the internet, local 53
radio, television, cable, or public access channels, call in 54
information for a teleconference, or by means of any other 55
similar electronic technology. The public body shall ensure that 56
the public can observe and hear the discussions and 57
deliberations of all the members of the public body, whether the 58
member is participating in person or electronically. 59

(C) When members of a public body conduct a hearing by 60
means of teleconference, video conference, or any other similar 61
electronic technology, the public body must establish a means, 62
through the use of electronic equipment that is widely available 63
to the general public, to converse with witnesses, and to 64
receive documentary testimony and physical evidence. 65

(D) The authority granted in this section applies 66
notwithstanding any conflicting provision of the Revised Code. 67
Nothing in this section shall be construed to negate any 68
provision of section 121.22 of the Revised Code, Chapter 119. of 69
the Revised Code, or other section of the Revised Code that is 70
not in conflict with this section. 71

(E) This section is effective ~~during~~ until the period of 72
the emergency declared by Executive Order 2020-01D, issued on 73
March 9, 2020, ~~or until December 1, 2020, if the period of the~~ 74
~~emergency continues beyond that date~~ is terminated. 75

Section 2. That existing Section 12 of H.B. 197 of the 76
133rd General Assembly is hereby repealed. 77

Section 3. This act is hereby declared to be an emergency 78
measure necessary for the immediate preservation of the public 79
peace, health, and safety. The reason for such necessity is to 80
continue essential operation of various facets of government, 81
and respond to the declared pandemic and global health emergency 82
related to COVID-19. Therefore, this act shall go into immediate 83
effect. 84