

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 340

Senator Beagle

A BILL

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

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

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

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

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

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

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(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

(1) A minimum number of members required to be physically 76
present in person at the primary meeting location; 77

(2) Geographic restrictions for participation in meetings 78
by interactive video conference or teleconference; 79

(3) A policy for distributing and circulating necessary 80
documents to council members, the public, and the media in 81
advance of any meeting at which members are permitted to attend 82
by interactive video conference or teleconference; 83

(4) A method for verifying the identity of a member who 84
remotely attends a meeting by teleconference. 85

Section 2. That existing section 3304.50 of the Revised 86
Code is hereby repealed. 87

Section 3. 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