

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 789

Representative Miller, J.

A BILL

To amend Section 12 of H.B. 197 of the 133rd
General Assembly to extend the temporary
authority for public bodies to meet via
electronic technology and to declare an
emergency.

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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:

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

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"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.

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

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(B) During the period of the emergency declared by
Executive Order 2020-01D, issued on March 9, 2020, but not
beyond ~~December 1, 2020~~ June 30, 2021, if the period of the
emergency continues beyond that date, members of a public body

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may hold and attend meetings and may conduct and attend hearings 19
by means of teleconference, video conference, or any other 20
similar electronic technology and all of the following apply: 21

(1) Any resolution, rule, or formal action of any kind 22
shall have the same effect as if it had occurred during an open 23
meeting or hearing of the public body. 24

(2) Notwithstanding division (C) of section 121.22 of the 25
Revised Code, members of a public body who attend meetings or 26
hearings by means of teleconference, video conference, or any 27
other similar electronic technology, shall be considered present 28
as if in person at the meeting or hearing, shall be permitted to 29
vote, and shall be counted for purposes of determining whether a 30
quorum is present at the meeting or hearing. 31

(3) Public bodies shall provide notification of meetings 32
and hearings held under this section to the public, to the media 33
that have requested notification of a meeting, and to the 34
parties required to be notified of a hearing, at least twenty- 35
four hours in advance of the meeting or hearing by reasonable 36
methods by which any person may determine the time, location, 37
and the manner by which the meeting or hearing will be 38
conducted, except in the event of an emergency requiring 39
immediate official action. In the event of an emergency, the 40
public body shall immediately notify the news media that have 41
requested notification or the parties required to be notified of 42
a hearing of the time, place, and purpose of the meeting or 43
hearing. 44

(4) The public body shall provide the public access to a 45
meeting held under this section, and to any hearing held under 46
this section that the public would otherwise be entitled to 47
attend, commensurate with the method in which the meeting or 48

hearing is being conducted, including, but not limited to, 49
examples such as live-streaming by means of the internet, local 50
radio, television, cable, or public access channels, call in 51
information for a teleconference, or by means of any other 52
similar electronic technology. The public body shall ensure that 53
the public can observe and hear the discussions and 54
deliberations of all the members of the public body, whether the 55
member is participating in person or electronically. 56

(C) When members of a public body conduct a hearing by 57
means of teleconference, video conference, or any other similar 58
electronic technology, the public body must establish a means, 59
through the use of electronic equipment that is widely available 60
to the general public, to converse with witnesses, and to 61
receive documentary testimony and physical evidence. 62

(D) The authority granted in this section applies 63
notwithstanding any conflicting provision of the Revised Code. 64
Nothing in this section shall be construed to negate any 65
provision of section 121.22 of the Revised Code, Chapter 119. of 66
the Revised Code, or other section of the Revised Code that is 67
not in conflict with this section. 68

(E) This section is effective during the period of the 69
emergency declared by Executive Order 2020-01D, issued on March 70
9, 2020, or until ~~December 1, 2020~~June 30, 2021, if the period 71
of the emergency continues beyond that date. 72

Section 2. That existing Section 12 of H.B. 197 of the 73
133rd General Assembly is hereby repealed. 74

Section 3. This act is hereby declared to be an emergency 75
measure necessary for the immediate preservation of the public 76
peace, health, and safety. The reason for such necessity is to 77

minimize the impact to Ohio citizens from the COVID-19 disease	78
outbreak. Therefore, this act shall go into immediate effect.	79