

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 257

Representatives Hoops, Claggett

Cosponsors: Representatives Klopfenstein, Robb Blasdel

A BILL

To amend sections 924.12, 5505.04, and 5543.06 and
to enact sections 121.221, 145.071, 742.071, and
3309.091 of the Revised Code to authorize
certain public bodies to meet virtually, and to
declare an emergency.

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

Section 1. That sections 924.12, 5505.04, and 5543.06 be
amended and sections 121.221, 145.071, 742.071, and 3309.091 of
the Revised Code be enacted to read as follows:

Sec. 121.221. (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.

"Meeting" has the same meaning as in section 121.22 of the
Revised Code.

"Public body" has the same meaning as in division (B) (1)
of section 121.22 of the Revised Code, except it does not

<u>include the following:</u>	18
<u>(1) The general assembly, or any of its committees or subcommittees;</u>	19 20
<u>(2) Any court, including a mayor's court;</u>	21
<u>(3) The state board of education;</u>	22
<u>(4) The bureau of workers' compensation;</u>	23
<u>(5) The Ohio elections commission;</u>	24
<u>(6) A board of county commissioners;</u>	25
<u>(7) A board of township trustees;</u>	26
<u>(8) The legislative authority of a municipal corporation or charter county;</u>	27 28
<u>(9) A city, local, or exempted village board of education;</u>	29
<u>(10) A board of elections, unless a board is meeting within ninety days of an August special election.</u>	30 31
<u>(B) Members of a public body may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology, and all of the following apply:</u>	32 33 34 35
<u>(1) Any resolution, rule, or formal action of any kind has the same effect as if it occurred during an open meeting or hearing of the public body.</u>	36 37 38
<u>(2) Notwithstanding division (C) of section 121.22 of the Revised Code, members of a public body who attend meetings or hearings by means of teleconference, video conference, or any other similar electronic technology shall be considered present as if in person at the meeting or hearing, shall be permitted to</u>	39 40 41 42 43

vote, and shall be counted for purposes of determining whether a 44
quorum is present at the meeting or hearing. 45

(3) The public body shall not hold hearings or meetings by 46
means of teleconference, video conference, or any other similar 47
electronic technology until the public body has adopted a policy 48
that specifies at least all of the following: 49

(a) The public body shall provide notification of meetings 50
and hearings held under this section to the public, to the media 51
that have requested notification of a meeting, and to the 52
parties required to be notified of a hearing at least seventy- 53
two hours in advance of the meeting or hearing by reasonable 54
methods by which any person may determine the time, location, 55
and the manner by which the meeting or hearing will be 56
conducted, except in the event of an emergency requiring 57
immediate official action, as defined by the policy. In the 58
event of an emergency, the public body shall immediately notify 59
the news media that have requested notification or the parties 60
required to be notified of a hearing of the time, place, and 61
purpose of the meeting or hearing. 62

(b) The public body shall provide the public access to a 63
meeting held under this section, and to any hearing held under 64
this section that the public would otherwise be entitled to 65
attend, commensurate with the method in which the meeting or 66
hearing is being conducted, including for example, livestreaming 67
by means of the internet, local radio, television, cable, or 68
public access channels, call-in information for a 69
teleconference, or by means of any other similar electronic 70
technology. The public body shall ensure that the public can 71
observe, when applicable, and hear the discussions and 72
deliberations of all the members of the public body, whether the 73

member is participating in person or electronically. Members of 74
the public body shall have a sufficient internet or other 75
electronic connection to allow the member to be seen clearly, if 76
applicable, and heard clearly, and shall be visible at all times 77
if attending a meeting or hearing by video conference. 78

(c) All votes taken in the meeting or hearing shall be 79
taken by roll call vote. 80

(d) Any member of the public body who intends to attend a 81
meeting by means of teleconference, video conference, or other 82
similar electronic technology shall notify the chairperson of 83
that intent not less than forty-eight hours before the meeting, 84
except in the case of an emergency as defined in the policy. 85

(e) No public body may hold, and no member of a public 86
body may attend meetings or conduct and attend hearings by means 87
of teleconference, video conference, or other similar electronic 88
technology if the meeting or hearing involves a vote to approve 89
a major nonroutine expenditure or significant hiring decision, 90
or a vote to support a tax issue or tax increase. 91

(f) If, upon the notification of an upcoming meeting of a 92
public body, the greater of at least ten per cent of the members 93
of the public body or two members of the public body, notifies 94
the chairperson of the public body that an item in the agenda 95
must be discussed or acted upon at a meeting conducted fully in 96
person, upon the chairperson's acknowledgment of receipt of the 97
notification, the public body shall discuss or take action on 98
the item of the agenda only at a meeting conducted fully in 99
person. 100

(4) A public body shall not hold a hearing, and members of 101
a public body shall not attend a hearing, by means of 102

teleconference, video conference, or other similar electronic 103
technology without the consent of all parties to the hearing. 104

(C) When members of a public body conduct a hearing by 105
means of teleconference, video conference, or any other similar 106
electronic technology, the public body shall establish a means, 107
through the use of electronic equipment that is widely available 108
to the general public, to converse with witnesses and to receive 109
documentary testimony and physical evidence. 110

(D) The authority granted in this section applies 111
notwithstanding any conflicting provision of the Revised Code. 112
Nothing in this section shall be construed to negate any 113
provision of section 121.22 of the Revised Code, Chapter 119. of 114
the Revised Code, or other section of the Revised Code that is 115
not in conflict with this section. This section is not intended 116
to eliminate, or otherwise affect, any requirements under 117
federal law. 118

Sec. 145.071. (A) Notwithstanding division (C) of section 119
121.22 of the Revised Code, the public employees retirement 120
board may adopt a policy that allows a board member to attend a 121
meeting of the board by means of teleconference or video 122
conference. The board shall include in the policy, if adopted, 123
both of the following: 124

(1) The number of regular meetings at which each board 125
member shall be present in person, provided that number is not 126
less than one-half of the regular meetings of the board 127
annually; 128

(2) All of the following requirements with respect to a 129
meeting in which a member attends by means of teleconference or 130
video conference: 131

(a) That at least one-third of the board members attending 132
the meeting shall be present in person at the physical location 133
where the meeting is conducted; 134

(b) That all votes taken at the meeting shall be taken by 135
roll call vote; 136

(c) That a board member who intends to attend a meeting by 137
means of teleconference or video conference shall notify the 138
chairperson of that intent not less than forty-eight hours 139
before the meeting, except in the case of an emergency as 140
defined in the policy. 141

(B) Notwithstanding division (C) of section 121.22 of the 142
Revised Code, a board member who attends a meeting by means of 143
teleconference or video conference is considered present in 144
person at the meeting, may vote at the meeting, and is counted 145
for purposes of determining whether a quorum is present at the 146
meeting. 147

(C) At any meeting in which a board member attends by 148
means of teleconference or video conference, the board shall 149
ensure that the public can hear and, if the means of attendance 150
technologically permits it, to observe, the discussions and 151
deliberations of all the members of the board, whether the 152
member is participating in person or electronically. 153

(D) Except as provided in this section, no person shall do 154
any of the following: 155

(1) Limit the number of board members who may attend a 156
meeting by means of teleconference or video conference; 157

(2) Limit the total number of meetings that the board may 158
allow members to attend by means of teleconference or video 159
conference; 160

(3) Limit the number of meetings at which any one board member may attend by means of teleconference or video conference; 161
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(4) Impose other limits or obligations on a board member because the board member attends a meeting by means of teleconference or video conference. 164
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Sec. 742.071. (A) Notwithstanding division (C) of section 121.22 of the Revised Code, the board of trustees of the Ohio police and fire pension fund may adopt a policy that allows a board member to attend a meeting of the board by means of teleconference or video conference. The board shall include in the policy, if adopted, both of the following: 167
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(1) The number of regular meetings at which each board member shall be present in person, provided that number is not less than one-half of the regular meetings of the board annually; 173
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(2) All of the following requirements with respect to a meeting in which a member attends by means of teleconference or video conference: 177
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(a) That at least one-third of the board members attending the meeting shall be present in person at the physical location where the meeting is conducted; 180
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(b) That all votes taken at the meeting shall be taken by roll call vote; 183
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(c) That a board member who intends to attend a meeting by means of teleconference or video conference shall notify the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of an emergency as defined in the policy. 185
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(B) Notwithstanding division (C) of section 121.22 of the Revised Code, a board member who attends a meeting by means of teleconference or video conference is considered present in person at the meeting, may vote at the meeting, and is counted for purposes of determining whether a quorum is present at the meeting. 190
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(C) At any meeting in which a board member attends by means of teleconference or video conference, the board shall ensure that the public can hear and, if the means of attendance technologically permits it, to observe, the discussions and deliberations of all the members of the board, whether the member is participating in person or electronically. 196
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(D) Except as provided in this section, no person shall do any of the following: 202
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(1) Limit the number of board members who may attend a meeting by means of teleconference or video conference; 204
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(2) Limit the total number of meetings that the board may allow members to attend by means of teleconference or video conference; 206
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(3) Limit the number of meetings at which any one board member may attend by means of teleconference or video conference; 209
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(4) Impose other limits or obligations on a board member because the board member attends a meeting by means of teleconference or video conference. 212
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Sec. 924.12. (A) The director of agriculture may temporarily suspend the operation of a marketing program, or any part thereof, for any reason, upon recommendation by the operating committee for the program, for a period of not more 215
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than twelve consecutive months. 219

(B) At least once in each five years of operation, or at 220
any time upon written petition by the lesser of twenty per cent 221
or one thousand of the producers affected by a marketing 222
program, the director shall give public notice by analogy to 223
division (A) of and conduct a hearing under division (C) of 224
section 119.03 of the Revised Code to consider the continuation 225
of the program. The director may conduct the hearing by means of 226
teleconference, video conference, or any other similar 227
electronic technology in accordance with section 121.221 of the 228
Revised Code. The director shall file a copy of the public 229
notice with the director of the legislative service commission 230
for purposes of publishing the public notice in the register of 231
Ohio. 232

(C) Within thirty days after the close of any hearing to 233
consider the continuation of a marketing program, the director 234
of agriculture shall recommend continuation or termination of 235
the program, and shall give public notice of the recommendation 236
by publication in the register of Ohio. The director also shall 237
provide notice of the recommendation to any person who, in 238
writing, has requested notification and may give whatever other 239
notice the director reasonably considers necessary to ensure 240
that notice is constructively given to all persons who are 241
affected by the program. 242

(D) When the director recommends termination of a 243
marketing program, the director shall, within forty-five days, 244
conduct a referendum to determine whether the affected producers 245
favor the proposed termination. The affected producers favor the 246
termination of the program if a majority of the producers who 247
vote in the referendum vote in favor of termination of the 248

program. 249

Sec. 3309.091. (A) Notwithstanding division (C) of section 121.22 of the Revised Code, the school employees retirement board may adopt a policy that allows a board member to attend a meeting of the board by means of teleconference or video conference. The board shall include in the policy, if adopted, both of the following: 250
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(1) The number of regular meetings at which each board member shall be present in person, provided that number is not less than one-half of the regular meetings of the board annually; 256
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(2) All of the following requirements with respect to a meeting in which a member attends by means of teleconference or video conference: 260
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(a) That at least one-third of the board members attending the meeting shall be present in person at the physical location where the meeting is conducted; 263
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(b) That all votes taken at the meeting shall be taken by roll call vote; 266
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(c) That a board member who intends to attend a meeting by means of teleconference or video conference shall notify the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of an emergency as defined in the policy. 268
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(B) Notwithstanding division (C) of section 121.22 of the Revised Code, a board member who attends a meeting by means of teleconference or video conference is considered present in person at the meeting, may vote at the meeting, and is counted for purposes of determining whether a quorum is present at the 273
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<u>meeting.</u>	278
<u>(C) At any meeting in which a board member attends by</u>	279
<u>means of teleconference or video conference, the board shall</u>	280
<u>ensure that the public can hear and, if the means of attendance</u>	281
<u>technologically permits it, to observe, the discussions and</u>	282
<u>deliberations of all the members of the board, whether the</u>	283
<u>member is participating in person or electronically.</u>	284
<u>(D) Except as provided in this section, no person shall do</u>	285
<u>any of the following:</u>	286
<u>(1) Limit the number of board members who may attend a</u>	287
<u>meeting by means of teleconference or video conference;</u>	288
<u>(2) Limit the total number of meetings that the board may</u>	289
<u>allow members to attend by means of teleconference or video</u>	290
<u>conference;</u>	291
<u>(3) Limit the number of meetings at which any one board</u>	292
<u>member may attend by means of teleconference or video</u>	293
<u>conference;</u>	294
<u>(4) Impose other limits or obligations on a board member</u>	295
<u>because the board member attends a meeting by means of</u>	296
<u>teleconference or video conference.</u>	297
Sec. 5505.04. (A) (1) The general administration and	298
management of the state highway patrol retirement system and the	299
making effective of this chapter are hereby vested in the state	300
highway patrol retirement board. The board may sue and be sued,	301
plead and be impleaded, contract and be contracted with, and do	302
all things necessary to carry out this chapter.	303
The board shall consist of the following members:	304
(a) The superintendent of the state highway patrol;	305

(b) Two retirant members who reside in this state;	306
(c) Five employee-members;	307
(d) One member, known as the treasurer of state's	308
investment designee, who shall be appointed by the treasurer of	309
state for a term of four years and who shall have the following	310
qualifications:	311
(i) The member is a resident of this state.	312
(ii) Within the three years immediately preceding the	313
appointment, the member has not been employed by the public	314
employees retirement system, police and fire pension fund, state	315
teachers retirement system, school employees retirement system,	316
or state highway patrol retirement system or by any person,	317
partnership, or corporation that has provided to one of those	318
retirement systems services of a financial or investment nature,	319
including the management, analysis, supervision, or investment	320
of assets.	321
(iii) The member has direct experience in the management,	322
analysis, supervision, or investment of assets.	323
(iv) The member is not currently employed by the state or	324
a political subdivision of the state.	325
(e) Two investment expert members, who shall be appointed	326
to four-year terms. One investment expert member shall be	327
appointed by the governor, and one investment expert member	328
shall be jointly appointed by the speaker of the house of	329
representatives and the president of the senate. Each investment	330
expert member shall have the following qualifications:	331
(i) Each investment expert member shall be a resident of	332
this state.	333

(ii) Within the three years immediately preceding the 334
appointment, each investment expert member shall not have been 335
employed by the public employees retirement system, police and 336
fire pension fund, state teachers retirement system, school 337
employees retirement system, or state highway patrol retirement 338
system or by any person, partnership, or corporation that has 339
provided to one of those retirement systems services of a 340
financial or investment nature, including the management, 341
analysis, supervision, or investment of assets. 342

(iii) Each investment expert member shall have direct 343
experience in the management, analysis, supervision, or 344
investment of assets. 345

~~(2)~~ (2) (a) The board shall annually elect a chairperson and 346
vice-chairperson from among its members. The vice-chairperson 347
shall act as chairperson in the absence of the chairperson. A 348
majority of the members of the board shall constitute a quorum. 349
The board shall meet not less than once each year, upon 350
sufficient notice to the members. All meetings of the board 351
shall be open to the public except executive sessions as set 352
forth in division (G) of section 121.22 of the Revised Code, and 353
any portions of any sessions discussing medical records or the 354
degree of disability of a member excluded from public inspection 355
by this section. 356

(b) Notwithstanding division (C) of section 121.22 of the 357
Revised Code, the board may adopt a policy that allows a board 358
member to attend a meeting of the board by means of 359
teleconference or video conference. The board shall include in 360
the policy, if adopted, the following: 361

(i) The number of regular meetings at which each board 362
member shall be present in person, provided that number is not 363

less than one-half of the regular meetings of the board 364
annually; 365

(ii) That at least one-third of the board members 366
attending the meeting shall be present in person at the physical 367
location where the meeting is conducted; 368

(iii) That all votes taken at the meeting shall be taken 369
by roll call vote; 370

(iv) That a board member who intends to attend a meeting 371
by means of teleconference or video conference shall notify the 372
chairperson of that intent not less than forty-eight hours 373
before the meeting, except in the case of an emergency as 374
defined in the policy. 375

(c) Notwithstanding division (C) of section 121.22 of the 376
Revised Code, a board member who attends a meeting by means of 377
teleconference or video conference is considered present in 378
person at the meeting, may vote at the meeting, and is counted 379
for purposes of determining whether a quorum is present at the 380
meeting. 381

(d) At any meeting in which a board member attends by 382
means of teleconference or video conference, the board shall 383
ensure that the public can hear and, if the means of attendance 384
technologically permits it, to observe, the discussions and 385
deliberations of all the members of the board, whether the 386
member is participating in person or electronically. 387

(e) Except as provided in this section, no person shall do 388
any of the following: 389

(i) Limit the number of board members who may attend a 390
meeting by means of teleconference or video conference; 391

(ii) Limit the total number of meetings that the board may 392
allow members to attend by means of teleconference or video 393
conference; 394

(iii) Limit the number of meetings at which any one board 395
member may attend by means of teleconference or video 396
conference; 397

(iv) Impose other limits or obligations on a board member 398
because the board member attends a meeting by means of 399
teleconference or video conference. 400

(3) Any member appointed under this section shall hold 401
office until the end of the member's term or, if later, the date 402
the member's successor takes office. 403

(B) The attorney general shall prescribe procedures for 404
the adoption of rules authorized under this chapter, consistent 405
with the provision of section 111.15 of the Revised Code under 406
which all rules shall be filed in order to be effective. Such 407
procedures shall establish methods by which notice of proposed 408
rules are given to interested parties and rules adopted by the 409
board published and otherwise made available. When it files a 410
rule with the joint committee on agency rule review pursuant to 411
section 111.15 of the Revised Code, the board shall submit to 412
the Ohio retirement study council a copy of the full text of the 413
rule, and if applicable, a copy of the rule summary and fiscal 414
analysis required by division (B) of section 106.024 of the 415
Revised Code. 416

(C) (1) As used in this division, "personal history record" 417
means information maintained by the board on an individual who 418
is a member, former member, retirant, or beneficiary that 419
includes the address, electronic mail address, telephone number, 420

social security number, record of contributions, correspondence 421
with the system, and other information the board determines to 422
be confidential. 423

(2) The records of the board shall be open to public 424
inspection and may be made available in printed or electronic 425
format, except for the following which shall be excluded: the 426
member's, former member's, retirant's, or beneficiary's personal 427
history record and the amount of a monthly allowance or benefit 428
paid to a retirant, beneficiary, or survivor, except with the 429
written authorization of the individual concerned. 430

(D) All medical reports and recommendations are privileged 431
except as follows: 432

(1) Copies of such medical reports or recommendations 433
shall be made available to the individual's personal physician, 434
attorney, or authorized agent upon written release received from 435
such individual or such individual's agent, or when necessary 436
for the proper administration of the fund to the board-assigned 437
physician. 438

(2) Documentation required by section 2929.193 of the 439
Revised Code shall be provided to a court holding a hearing 440
under that section. 441

(E) Notwithstanding the exceptions to public inspection in 442
division (C)(2) of this section, the board may furnish the 443
following information: 444

(1) If a member, former member, or retirant is subject to 445
an order issued under section 2907.15 of the Revised Code or an 446
order issued under division (A) or (B) of section 2929.192 of 447
the Revised Code or is convicted of or pleads guilty to a 448
violation of section 2921.41 of the Revised Code, on written 449

request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(2) Pursuant to a court order issued under Chapters 3119., 3121., and 3123. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under those chapters.

(3) At the written request of any nonprofit organization or association providing services to retirement system members, retirants, or beneficiaries, the board shall provide to the organization or association a list of the names and addresses of members, former members, retirants, or beneficiaries if the organization or association agrees to use such information solely in accordance with its stated purpose of providing services to such individuals and not for the benefit of other persons, organizations, or associations. The costs of compiling, copying, and mailing the list shall be paid by such entity.

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section 5101.181 of the Revised Code, the board shall inform the auditor of state of the name, current or most recent employer address, and social security number of each member whose name and social security number are the same as those of a person whose name or social security number was submitted by the director. The board and its employees, except for purposes of furnishing the auditor of state with information required by this section, shall preserve the confidentiality of recipients of public assistance in compliance with section 5101.181 of the

Revised Code. 480

(5) The system shall comply with orders issued under 481
section 3105.87 of the Revised Code. 482

On the written request of an alternate payee, as defined 483
in section 3105.80 of the Revised Code, the system shall furnish 484
to the alternate payee information on the amount and status of 485
any amounts payable to the alternate payee under an order issued 486
under section 3105.171 or 3105.65 of the Revised Code. 487

(6) At the request of any person, the board shall make 488
available to the person copies of all documents, including 489
resumes, in the board's possession regarding filling a vacancy 490
of an employee member or retirant member of the board. The 491
person who made the request shall pay the cost of compiling, 492
copying, and mailing the documents. The information described in 493
this division is a public record. 494

(7) The system shall provide the notice required by 495
section 5505.263 of the Revised Code to the prosecutor assigned 496
to the case. 497

(8) The system may provide information requested by the 498
United States social security administration, United States 499
centers for medicare and medicaid, public employees retirement 500
system, Ohio public employees deferred compensation program, 501
Ohio police and fire pension fund, school employees retirement 502
system, state teachers retirement system, or Cincinnati 503
retirement system. 504

(F) A statement that contains information obtained from 505
the system's records that is certified and signed by an officer 506
of the retirement system and to which the system's official seal 507
is affixed, or copies of the system's records to which the 508

signature and seal are attached, shall be received as true 509
copies of the system's records in any court or before any 510
officer of this state. 511

(G) The board may maintain records in printed or 512
electronic format. 513

Sec. 5543.06. The county engineer shall annually call a 514
meeting, within the county, at a time and place approved by the 515
board of county commissioners, of all the township and county 516
authorities having directly to do with the construction and 517
repair of roads and bridges within the county. At such meeting, 518
which shall be open to the general public, the engineer, or ~~his~~ 519
the engineer's designee, shall instruct the proper authorities 520
as to the best and most economical methods for repairing and 521
maintaining the roads and bridges of the county, so as to 522
provide a uniform system of highway work for such county. Each 523
official attending such meeting shall receive ~~his~~ the official's 524
actual and necessary expenses, in addition to ~~his~~ the official's 525
regular per diem or salary, which shall be paid by the county 526
treasurer from the road fund of the county on itemized vouchers 527
approved by the engineer. 528

The county engineer may conduct a meeting under this 529
section through means of teleconference, video conference, or 530
any other similar electronic technology in accordance with 531
section 121.221 of the Revised Code. 532

Section 2. That existing sections 924.12, 5505.04, and 533
5543.06 of the Revised Code are hereby repealed. 534

Section 3. This act is hereby declared to be an emergency 535
measure necessary for the immediate preservation of the public 536
peace, health, and safety. The reason for such necessity is to 537

permit local boards of elections to meet virtually to prepare	538
for the August 8, 2023, special election. Therefore, this act	539
shall go into immediate effect.	540