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H.B. 55
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Kelly

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SUMMARY

- During the emergency period, allows committee meetings and general sessions of the House of Representatives to be conducted virtually.
- Declares an emergency.

DETAILED ANALYSIS

Virtual sessions and committee meetings

The bill, during the period of emergency declared by the Governor,¹ allows the Speaker of the House of Representatives to conduct sessions of the House by means of electronic technologies, including teleconference and video conferencing. The bill gives the same permissions to chairpersons of any standing committee, subcommittee, select committee of the House, or joint committee of the General Assembly, regarding participation in committee meetings.

Current law requires all meetings of committees of the General Assembly to be open to the public.² The Constitution requires that proceedings of the House of Representatives be conducted in public unless two-thirds of the chamber votes to make the meeting secret.³

The bill stipulates that, during committee meetings and House sessions conducted electronically, resolutions or any other kind of formal actions have the same effect as if they had occurred during an open meeting of the House or committee. Additionally, representatives

¹ Executive Order 2020-01D, issued on March 9, 2020.

² R.C. 101.15, not in the bill.

³ Ohio Constitution, Article II, Section 13.

attending a session or committee meeting electronically are to be counted as present as if in person and for the purposes of constituting a quorum, and are permitted to vote in all matters.

The bill also requires the chairperson of each committee, or the Speaker for sessions, to notify the public and media of a committee meeting or session at least 24 hours in advance, by reasonable methods. The notification should contain the time, electronic location, and the manner by which the meeting will be conducted. The 24-hour requirement is waived for an emergency requiring immediate official action, but the Speaker or chairperson must immediately notify the media entities that have requested notification.

To the same end, the chairperson or Speaker also must provide the public with virtual access to any public meeting or session, commensurate with the method in which the meeting is being conducted. Meaning that, if representatives may video conference in to the meeting or session, the public must be able to observe as well as listen to the meeting or session. The bill lists some example methods for remote participation, including livestreaming, local radio, television, cable or public access channels, call in information for a teleconference, or any other similar electronic technology. The bill requires the chairperson or Speaker to ensure that the public can hear, or observe if applicable, the discussions and deliberations of all the members of the committee or the House, whether that member is present in person or not.

For committees, the chairperson has the additional duty establishing a means for the public, through the use of electronic equipment that is widely available to the general public, to converse with witnesses, and to receive documentary testimony and physical evidence.

The bill also declares an emergency.⁴

COMMENT

The bill outlines a procedure for the General Assembly to conduct session and committee hearings virtually. The Ohio Constitution makes no provision for the General Assembly to conduct business in any way other than in person, but the Ohio Constitution does not expressly prohibit it from conducting business virtually. The matter has never been litigated.

The Ohio Constitution lays out several requirements for the manner in which the General Assembly conducts its business. Among other provisions, the Constitution:

- Requires the General Assembly to *convene* in regular and special sessions at certain times (emphasis added);⁵

⁴ Sections 1, 2, and 3 of the bill.

⁵ Ohio Const. art. II, sec. 8.

- Specifies that a majority of the members elected to each house constitutes a quorum to do business, and allows a smaller number to compel the *attendance* of absent members (emphasis added);⁶ and
- Privileges members of the General Assembly from arrest for certain offenses during session and in *going to and returning from session* (emphasis added).⁷

As these passages illustrate, in discussing the sessions of the General Assembly, the Constitution uses language that might imply physical presence. A court might have to decide if modern virtual meeting methods would comply with the Constitution, if the court were willing to consider the question.

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 02-03-21 |

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⁶ Ohio Const. art. II, sec. 6.

⁷ Ohio Const. art. II, sec. 12.