

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 538

Representatives Koehler, Kelly

Cosponsors: Representatives Ray, Hillyer, Weinstein, Carfagna, Seitz, John, Stein, White, Hoops, Miranda, O'Brien, Sheehy, Jarrells, Richardson, Sweeney, Ghanbari

A BILL

To provide temporary authority, expiring July 1, 1
2022, for members of a public body to meet by 2
means of teleconference or video conference, and 3
to declare an emergency. 4

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

Section 1. (A) As used in this section: 5

"Hearing" means an administrative hearing, hearing as 6
defined in section 119.01 of the Revised Code, or other hearing 7
at which a person may present written or oral testimony on a 8
matter before the public body. 9

"Public body" and "meeting" have the same meanings as in 10
section 121.22 of the Revised Code. 11

(B) Members of a public body may hold and attend meetings 12
and may conduct and attend hearings by means of teleconference, 13
video conference, or any other similar electronic technology, 14
and all of the following apply: 15

(1) Any resolution, rule, or formal action of any kind has 16

the same effect as if it occurred during an open meeting or 17
hearing of the public body. 18

(2) Notwithstanding division (C) of section 121.22 of the 19
Revised Code, members of a public body who attend meetings or 20
hearings by means of teleconference, video conference, or any 21
other similar electronic technology, shall be considered present 22
as if in person at the meeting or hearing, shall be permitted to 23
vote, and shall be counted for purposes of determining whether a 24
quorum is present at the meeting or hearing. 25

(3) Public bodies shall provide notification of meetings 26
and hearings held under this section to the public, to the media 27
that have requested notification of a meeting, and to the 28
parties required to be notified of a hearing, at least twenty- 29
four hours in advance of the meeting or hearing by reasonable 30
methods by which any person may determine the time, location, 31
and the manner by which the meeting or hearing will be 32
conducted, except in the event of an emergency requiring 33
immediate official action. In the event of an emergency, the 34
public body shall immediately notify the news media that have 35
requested notification or the parties required to be notified of 36
a hearing of the time, place, and purpose of the meeting or 37
hearing. 38

(4) The public body shall provide the public access to a 39
meeting held under this section, and to any hearing held under 40
this section that the public would otherwise be entitled to 41
attend, commensurate with the method in which the meeting or 42
hearing is being conducted, including examples such as 43
livestreaming by means of the internet, local radio, television, 44
cable, or public access channels, call in information for a 45
teleconference, or by means of any other similar electronic 46

technology. The public body shall ensure that the public can 47
observe, when applicable, and hear the discussions and 48
deliberations of all the members of the public body, whether the 49
member is participating in person or electronically. 50

(C) When members of a public body conduct a hearing by 51
means of teleconference, video conference, or any other similar 52
electronic technology, the public body shall establish a means, 53
through the use of electronic equipment that is widely available 54
to the general public, to converse with witnesses and to receive 55
documentary testimony and physical evidence. 56

(D) The authority granted in this section applies 57
notwithstanding any conflicting provision of the Revised Code. 58
Nothing in this section shall be construed to negate any 59
provision of section 121.22 of the Revised Code, Chapter 119. of 60
the Revised Code, or other section of the Revised Code that is 61
not in conflict with this section. 62

(E) This section is effective until July 1, 2022. 63

Section 2. This act is hereby declared to be an emergency 64
measure necessary for the immediate preservation of the public 65
peace, health, and safety. The reason for such necessity is to 66
continue essential operation of state and local government 67
during the COVID-19 pandemic. Therefore, this act shall go into 68
immediate effect. 69