



Final Analysis

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Legislative Service Commission

Sub. H.B. 129

127th General Assembly
(As Passed by the General Assembly)

Reps. Evans and Book, Seitz, J. McGregor, Stebelton, Peterson, Yuko, Chandler, Letson, Wagoner, Garrison, Sayre, Coley, Adams, Batchelder, Combs, Daniels, DeBose, DeGeeter, Domenick, Gibbs, J. Hagan, R. Hagan, Harwood, Luckie, Patton, Szollosi, Uecker, Wagner, Webster

Sens. Seitz, Goodman, Kearney, Turner, Fedor, Harris, Morano, Padgett, Niehaus

Effective date: April 7, 2009

ACT SUMMARY

- Authorizes for a two-year period a pilot program that allows members of the Ohio Developmental Disabilities Council, Ohio Statewide Independent Living Council, the Governor's Council on People with Disabilities, and the facility governing board and judicial advisory board that governs or advises the STAR Community Justice Center in Franklin Furnace, Ohio, to be present at council or board meetings by teleconference or interactive video teleconference, provided that a minimum of three members must be physically present to participate and to count towards a quorum at those meetings and that during the second year of the pilot program a council or board must hold at least one meeting at which members must be physically present to participate and to count towards a quorum.
- Requires reports on the effects of member participation in meetings held in this manner.

CONTENT AND OPERATION

Background law

The Revised Code requires (1) that, subject to specified exceptions, all meetings of any public body must be public meetings open to the public at all times and (2) that a member of a public body generally must be *present in person* at a meeting open to the public (a) to be considered present or to vote at the

meeting and (b) for purposes of determining whether a quorum is present at the meeting (R.C. 121.22(C)--not in the act).¹ There is an exception (see **COMMENT**) to this "present in person" requirement of the Open Meetings Law.

Changes made by the act

Notwithstanding the usual requirements of law described above, for a period of two years immediately following the act's effective date, a pilot program is authorized that allows the Ohio Developmental Disabilities Council, Ohio Statewide Independent Living Council, the Governor's Council on People with Disabilities, and the facility governing board and judicial advisory board that govern and advise the STAR Community Justice Center located in Franklin Furnace, Ohio each to adopt a rule that authorizes its members to be present at council or board meetings open to the public *by teleconference or by interactive video teleconference*, in lieu of being present in person, in order to be considered *present or to vote at those meetings* and for purposes of determining whether *a quorum is present* at those meetings, provided that a minimum of three members must be physically present to participate and to count towards a quorum at those meetings and that during the second year of the pilot program a council or board must hold at least one meeting at which members must be physically present to participate and to count towards a quorum. A council or board that desires to allow its members to participate in meetings in this manner must adopt a rule that (1) authorizes the participation of the council's or board's members in the pilot program, (2) establishes a method to authenticate the identity of members who will be present at those meetings by teleconference or by interactive video teleconference, and (3) establishes a policy regarding the distribution and circulation of appropriate documents to the council or board members, the public, and the media in advance of the meeting by teleconference or interactive video teleconference. (Section 1.)

If such a rule is adopted by a council or either or both the facility governing board or the judicial advisory board, the council or the Center's Executive Director must each submit, not later than 18 months after the act's effective date, to the House Speaker, Senate President, and House and Senate Minority Leaders a report that describes the effects on the operation of the council or board of member

¹ The Revised Code defines a "public body" as (a) any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority and any legislative authority or board, committee, commission, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution, (b) any committee or subcommittee of a body described in item (a), or (c) a court of jurisdiction of certain sanitary districts when meeting for certain purposes (R.C. 121.22(B)(1)).

participation in council or board meetings by teleconference or by interactive video teleconference. The report must describe any additional costs the council or board incurred, and any cost savings the council or board realized, through member participation in council or board meetings in this manner. The report must include a description of the notice given of each council or board meeting held during the period of the pilot program, an account of attendance by board members, the public, and the media at each council or board meeting held during the period of the pilot program, summaries or copies of comments by the public and the media concerning council or board meetings held by teleconference or interactive video teleconference, a copy of the minutes and an itemized list of the costs of each meeting held during the period of the pilot program, and an account of local media coverage of council or board meetings held by teleconference or interactive video teleconference. If any of the recipients of the report determines that the pilot program results could be profitably applied to meetings of all public bodies or only to public bodies whose members must travel long distances to attend meetings, the recipient may recommend the relevant type of legislation for introduction. (Section 2.)

COMMENT

The law that governs the meetings of financial planning and supervision commissions established for specific school districts allows members of these entities to be "present" at a meeting other than "in person" if it is held by teleconference and provisions are made for public attendance at any location involved in the teleconference (R.C. 3316.05(K)).

HISTORY

ACTION	DATE
Introduced	03-27-07
Reported, H. Civil & Commercial Law	04-24-08
Passed House (90-4)	05-07-08
Reported, S. Judiciary - Civil Justice	12-16-08
Passed Senate (32-0)	12-17-08

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