

As Passed by the House

133rd General Assembly

Regular Session

2019-2020

H. B. No. 404

Representatives Manchester, Sweeney

**Cosponsors: Representatives Abrams, Blair, Carfagna, Koehler, Lang, Lipps,
O'Brien, Riedel, Seitz, Smith, K., Galonski, Perales, Clites, Crossman, Ingram,
Lightbody, Miller, J., Richardson, Rogers, Russo**

A BILL

To enact section 3345.82 of the Revised Code to 1
allow the board of trustees of a state 2
institution of higher education to adopt a 3
policy allowing the trustees to attend a board 4
meeting via means of electronic communication. 5

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

Section 1. That section 3345.82 of the Revised Code be 6
enacted to read as follows: 7

Sec. 3345.82. (A) As used in this section, "electronic 8
communication" means live, audio-enabled communication that 9
permits the trustees attending a meeting, the trustees present 10
in person at the place where the meeting is conducted, and all 11
members of the public present in person at the place where the 12
meeting is conducted to simultaneously communicate with each 13
other during the meeting. 14

(B) Notwithstanding division (C) of section 121.22 and 15
sections 3335.06 and 3343.04 of the Revised Code, the board of 16

trustees of a state institution of higher education, as defined 17
in section 3345.011 of the Revised Code, may establish a policy 18
that allows trustees to attend a meeting of the board of 19
trustees via means of electronic communication. The policy shall 20
specify at least all of the following: 21

(1) The number of regular meetings at which each trustee 22
shall be present in person, which may not be less than one-half 23
of the regular meetings of the board annually; and 24

(2) All of the following minimum standards regarding a 25
meeting conducted using means of electronic communication: 26

(a) That at least one-third of the trustees attending the 27
meeting shall be present in person at the place where the 28
meeting is conducted; 29

(b) That all votes taken at the meeting are taken by roll 30
call vote; and 31

(c) That a trustee who intends to attend a meeting via 32
means of electronic communication notified the chairperson of 33
that intent not less than forty-eight hours before the meeting, 34
except in the case of a declared emergency. 35

(C) Notwithstanding division (C) of section 121.22 and 36
sections 3335.06 and 3343.04 of the Revised Code, a trustee who 37
attends a meeting via means of electronic communication is 38
considered to be present at the meeting, is counted for purposes 39
of establishing a quorum, and may vote at the meeting. 40

(D) Except as provided in this section, no person shall 41
limit the number of trustees who may attend a meeting via means 42
of electronic communication, limit the total number of meetings 43
that the board may conduct using means of electronic 44
communication, limit the number of meetings in which any one 45

<u>trustee may attend via means of electronic communication, or</u>	46
<u>impose other limits or obligations on a trustee by virtue of the</u>	47
<u>trustee's attending a meeting via means of electronic</u>	48
<u>communication.</u>	49