

**As Reported by the House Higher Education Committee**

**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**

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**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  
trustee may attend via means of electronic communication, or 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