



*Phil Mullin*

## ***Bill Analysis***

*Legislative Service Commission*

### **H.B. 168**

126th General Assembly  
(As Introduced)

**Reps. Bocchieri, McGregor, Kozuira, Ujvagi, Key, Taylor, Brown, Strahorn, Allen**

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#### **BILL SUMMARY**

- Permits members of the General Assembly and members of public bodies who are called to active duty for 270 days or less to vote, under certain circumstances, from their active duty locations within 24 hours after a vote of the General Assembly or public body, as applicable.
- Requires a member of the General Assembly or a member of a public body voting or attempting to vote from an active duty location to use, to the extent feasible, private, nongovernmental resources, and permits such a member to use governmental resources if the person's commander or other commanding officer approves.
- Prohibits a member of the General Assembly or a member of a public body from voting or attempting to vote from an active duty location if the casting of the member's vote would interfere with the member's active duty obligations.
- Specifies that a member of the General Assembly or a member of a public body who votes from the member's active duty location will not be considered present for purposes of determining whether a quorum is present at the meeting or session.
- Alters who may apply for an extension of the time for payment of certain property taxes on behalf of Armed Forces active duty members and how general notice of the extension must be given by county treasurers.
- Declares an emergency.

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## CONTENT AND OPERATION

### Members of the General Assembly or of a public body voting from active duty locations

#### When allowed

The bill specifies that a member of the General Assembly or a member of a public body who is called to active duty for 270 days or less is not required to be present at a committee meeting or a session of the General Assembly or at a meeting of the public body, whichever is applicable, in order to vote at that meeting or session.<sup>1,2</sup> The vote of such a member must be counted as a valid vote if both of the following apply (secs. 101.17(A)(1) and 121.22(K)(1)):

(1) The member's vote is registered by telephone, facsimile transmission, electronic mail or other Internet communication, or other method of communication within 24 hours after a vote is conducted at the meeting or session.

(2) The clerk of the house of the General Assembly of which the person is a member, in the case of a member of the General Assembly, or the public body, in the case of a member of a public body, is able to verify that the vote is actually being cast by the member.

A member voting in this manner from an active duty location must not be considered to be present for the purpose of determining whether a quorum is present at the meeting or session for which the member's vote is being cast (secs. 101.17(A)(4) and 121.22(K)(4)).

#### Use of governmental resources

To the extent feasible, a member of the General Assembly or a member of a public body voting or attempting to vote from the member's active duty location must use private, nongovernmental resources. However, if the use of private, nongovernmental resources is not feasible, such a person may utilize

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<sup>1</sup> "Active duty" means active duty pursuant to an executive order of the President of the United States, an act of the Congress of the United States, an order of the Governor to the Ohio National Guard, or a Governor's proclamation for the Ohio organized militia to aid civil authorities (secs. 101.17(B)(2) and 121.22(L)).

<sup>2</sup> The bill overrides a provision of the Open Meetings Law that requires that a member of a public body be present in person at a meeting to be considered present or to vote (sec. 121.22(C)). Rules of the House of Representatives and Senate require that members be present before they can vote at floor sessions or committee meetings.

governmental resources if the person's commander or other appropriate commanding officer approves the use of those resources for that purpose. (Secs. 101.17(A)(2) and 121.22(K)(2).)

### **Interference with active duty obligations**

No member of the General Assembly or of a public body may vote or attempt to vote from the member's active duty location if the casting of the vote would interfere with the member's active duty obligations. A member must obtain the approval of the member's commanding officer before voting or attempting to vote. (Secs. 101.17(A)(3) and 121.22(K)(3).)

### **Changes in real property and manufactured or mobile home tax extensions for military personnel**

#### **Those eligible**

Existing law authorizes an extension of the time within which taxes must be paid on any real property or manufactured or mobile home that is owned by any of the following: (1) a member of the National Guard or a member of a reserve component of the Armed Forces of the United States who is called to active duty, (2) the spouse of such a member, (3) such a member jointly with that member's spouse or dependent parent, or (4) the dependent parent of such a member who dies during the active duty or as the result of wounds or illness incurred during the active duty (Sec. 323.122(B)).<sup>3</sup>

#### **Application making**

Under existing law, the persons referred to in items (1) to (4) above may apply for an extension for the payment of the described taxes during the period of the member's duty service and the six months following termination of that service. Also, application may be made *on a member's behalf under a power of attorney* the member has granted. The bill eliminates this additional manner of making an application. (Sec. 323.122(C).)

#### **County treasurer notice of extension**

Existing law requires a county treasurer to include notice of, and information about, the extension for the payment of the described taxes on or with mailed or delivered tax bills or in a *newspaper of general circulation* in the county

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<sup>3</sup> A "dependent parent" is a parent who, at the time the member was activated, received from the member at least half of the dependent parent's support, including food, shelter, clothing, and medical and dental care (Sec. 323.122(A)(2)).

when tax bills are mailed or delivered. The bill eliminates the option of providing the notice and information in a newspaper of general circulation in the county. (Sec. 323.122(F).)

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## **HISTORY**

| ACTION     | DATE     | JOURNAL ENTRY |
|------------|----------|---------------|
| Introduced | 04-05-05 | p. 360        |

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