

As Introduced

**125th General Assembly
Regular Session
2003-2004**

S. B. No. 222

Senator Carey

A BILL

To amend sections 121.22, 133.05, 149.43, 737.03, 1
749.02, 749.08, 749.15, 749.18, 749.24, 749.33, 2
751.07, 3702.62, and 4115.04; to amend, for the 3
purpose of adopting new section numbers as 4
indicated in parentheses, sections 749.03 5
(749.021), 749.08 (749.081), and 749.15 (749.082); 6
to enact new sections 749.03 and 749.08 and 7
sections 749.083 and 749.37 of the Revised Code to 8
modify the laws governing municipal hospitals. 9

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

Section 1. That sections 121.22, 133.05, 149.43, 737.03, 10
749.02, 749.08, 749.15, 749.18, 749.24, 749.33, 751.07, 3702.62, 11
and 4115.04 be amended; sections 749.03 (749.021), 749.08 12
(749.081), and 749.15 (749.082) be amended for the purpose of 13
adopting new section numbers as indicated in parentheses; and new 14
sections 749.03 and 749.08 and sections 749.083 and 749.37 of the 15
Revised Code be enacted to read as follows: 16

Sec. 121.22. (A) This section shall be liberally construed to 17
require public officials to take official action and to conduct 18
all deliberations upon official business only in open meetings 19
unless the subject matter is specifically excepted by law. 20

(B) As used in this section:	21
(1) "Public body" means any of the following:	22
(a) Any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution;	23 24 25 26 27 28
(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section;	29 30
(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As used in division (B)(1)(c) of this section, "court of jurisdiction" has the same meaning as "court" in section 6115.01 of the Revised Code.	31 32 33 34 35 36 37 38 39 40
(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members.	41 42
(3) "Regulated individual" means either of the following:	43
(a) A student in a state or local public educational institution;	44 45
(b) A person who is, voluntarily or involuntarily, an inmate, patient, or resident of a state or local institution because of criminal behavior, mental illness or retardation, disease, disability, age, or other condition requiring custodial care.	46 47 48 49
(4) "Public office" has the same meaning as in section	50

149.011 of the Revised Code.	51
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	52 53 54 55 56
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	57 58 59 60 61
(D) This section does not apply to any of the following:	62
(1) A grand jury;	63
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	64 65 66
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	67 68 69
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	70 71
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	72 73 74
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	75 76 77
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	78 79 80

(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;

(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code.

(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code.

(E) The controlling board, the development financing advisory council, the industrial technology and enterprise advisory council, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board, council, or authority members present, may close the meeting during consideration of the following information confidentially received by the authority, council, or board from the applicant:

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

(5) Personal financial statements of the applicant or members of the applicant's immediate family, including, but not limited to, tax records or other similar information not open to public inspection.

The vote by the authority, council, or board to accept or reject the application, as well as all proceedings of the

authority, council, or board not subject to this division, shall 111
be open to the public and governed by this section. 112

(F) Every public body, by rule, shall establish a reasonable 113
method whereby any person may determine the time and place of all 114
regularly scheduled meetings and the time, place, and purpose of 115
all special meetings. A public body shall not hold a special 116
meeting unless it gives at least twenty-four hours' advance notice 117
to the news media that have requested notification, except in the 118
event of an emergency requiring immediate official action. In the 119
event of an emergency, the member or members calling the meeting 120
shall notify the news media that have requested notification 121
immediately of the time, place, and purpose of the meeting. 122

The rule shall provide that any person, upon request and 123
payment of a reasonable fee, may obtain reasonable advance 124
notification of all meetings at which any specific type of public 125
business is to be discussed. Provisions for advance notification 126
may include, but are not limited to, mailing the agenda of 127
meetings to all subscribers on a mailing list or mailing notices 128
in self-addressed, stamped envelopes provided by the person. 129

(G) Except as provided in division (J) of this section, the 130
members of a public body may hold an executive session only after 131
a majority of a quorum of the public body determines, by a roll 132
call vote, to hold an executive session and only at a regular or 133
special meeting for the sole purpose of the consideration of any 134
of the following matters: 135

(1) To consider the appointment, employment, dismissal, 136
discipline, promotion, demotion, or compensation of a public 137
employee or official, or the investigation of charges or 138
complaints against a public employee, official, licensee, or 139
regulated individual, unless the public employee, official, 140
licensee, or regulated individual requests a public hearing. 141
Except as otherwise provided by law, no public body shall hold an 142

executive session for the discipline of an elected official for 143
conduct related to the performance of the elected official's 144
official duties or for the elected official's removal from office. 145
If a public body holds an executive session pursuant to division 146
(G)(1) of this section, the motion and vote to hold that executive 147
session shall state which one or more of the approved purposes 148
listed in division (G)(1) of this section are the purposes for 149
which the executive session is to be held, but need not include 150
the name of any person to be considered at the meeting. 151

(2) To consider the purchase of property for public purposes, 152
or for the sale of property at competitive bidding, if premature 153
disclosure of information would give an unfair competitive or 154
bargaining advantage to a person whose personal, private interest 155
is adverse to the general public interest. No member of a public 156
body shall use division (G)(2) of this section as a subterfuge for 157
providing covert information to prospective buyers or sellers. A 158
purchase or sale of public property is void if the seller or buyer 159
of the public property has received covert information from a 160
member of a public body that has not been disclosed to the general 161
public in sufficient time for other prospective buyers and sellers 162
to prepare and submit offers. 163

If the minutes of the public body show that all meetings and 164
deliberations of the public body have been conducted in compliance 165
with this section, any instrument executed by the public body 166
purporting to convey, lease, or otherwise dispose of any right, 167
title, or interest in any public property shall be conclusively 168
presumed to have been executed in compliance with this section 169
insofar as title or other interest of any bona fide purchasers, 170
lessees, or transferees of the property is concerned. 171

(3) Conferences with an attorney for the public body 172
concerning disputes involving the public body that are the subject 173
of pending or imminent court action; 174

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;	175 176 177
(5) Matters required to be kept confidential by federal law or regulations or state statutes;	178 179
(6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office;	180 181 182 183 184
(7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code <u>or a municipal hospital operated pursuant to Chapter 749. of the Revised Code</u> , to consider trade secrets, as defined in section 1333.61 of the Revised Code.	185 186 187 188
If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (7) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.	189 190 191 192 193
A public body specified in division (B)(1)(c) of this section shall not hold an executive session when meeting for the purposes specified in that division.	194 195 196
(H) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or	197 198 199 200 201 202 203 204 205

formal action violated division (F) of this section. 206

(I)(1) Any person may bring an action to enforce this 207
section. An action under division (I)(1) of this section shall be 208
brought within two years after the date of the alleged violation 209
or threatened violation. Upon proof of a violation or threatened 210
violation of this section in an action brought by any person, the 211
court of common pleas shall issue an injunction to compel the 212
members of the public body to comply with its provisions. 213

(2)(a) If the court of common pleas issues an injunction 214
pursuant to division (I)(1) of this section, the court shall order 215
the public body that it enjoins to pay a civil forfeiture of five 216
hundred dollars to the party that sought the injunction and shall 217
award to that party all court costs and, subject to reduction as 218
described in division (I)(2) of this section, reasonable 219
attorney's fees. The court, in its discretion, may reduce an award 220
of attorney's fees to the party that sought the injunction or not 221
award attorney's fees to that party if the court determines both 222
of the following: 223

(i) That, based on the ordinary application of statutory law 224
and case law as it existed at the time of violation or threatened 225
violation that was the basis of the injunction, a well-informed 226
public body reasonably would believe that the public body was not 227
violating or threatening to violate this section; 228

(ii) That a well-informed public body reasonably would 229
believe that the conduct or threatened conduct that was the basis 230
of the injunction would serve the public policy that underlies the 231
authority that is asserted as permitting that conduct or 232
threatened conduct. 233

(b) If the court of common pleas does not issue an injunction 234
pursuant to division (I)(1) of this section and the court 235
determines at that time that the bringing of the action was 236

frivolous conduct, as defined in division (A) of section 2323.51 237
of the Revised Code, the court shall award to the public body all 238
court costs and reasonable attorney's fees, as determined by the 239
court. 240

(3) Irreparable harm and prejudice to the party that sought 241
the injunction shall be conclusively and irrebuttably presumed 242
upon proof of a violation or threatened violation of this section. 243

(4) A member of a public body who knowingly violates an 244
injunction issued pursuant to division (I)(1) of this section may 245
be removed from office by an action brought in the court of common 246
pleas for that purpose by the prosecuting attorney or the attorney 247
general. 248

(J)(1) Pursuant to division (C) of section 5901.09 of the 249
Revised Code, a veterans service commission shall hold an 250
executive session for one or more of the following purposes unless 251
an applicant requests a public hearing: 252

(a) Interviewing an applicant for financial assistance under 253
sections 5901.01 to 5901.15 of the Revised Code; 254

(b) Discussing applications, statements, and other documents 255
described in division (B) of section 5901.09 of the Revised Code; 256

(c) Reviewing matters relating to an applicant's request for 257
financial assistance under sections 5901.01 to 5901.15 of the 258
Revised Code. 259

(2) A veterans service commission shall not exclude an 260
applicant for, recipient of, or former recipient of financial 261
assistance under sections 5901.01 to 5901.15 of the Revised Code, 262
and shall not exclude representatives selected by the applicant, 263
recipient, or former recipient, from a meeting that the commission 264
conducts as an executive session that pertains to the applicant's, 265
recipient's, or former recipient's application for financial 266
assistance. 267

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

Sec. 133.05. (A) A municipal corporation shall not incur net indebtedness that exceeds an amount equal to ten and one-half per cent of its tax valuation, or incur without a vote of the electors net indebtedness that exceeds an amount equal to five and one-half per cent of that tax valuation.

(B) In calculating the net indebtedness of a municipal corporation, none of the following securities shall be considered:

(1) Self-supporting securities issued for any purposes including, without limitation, any of the following general purposes:

(a) Water systems or facilities;

(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;

(c) Electric plants and facilities and steam or cogeneration facilities that generate or supply electricity, or steam and electrical or steam distribution systems and lines;

(d) Airports or landing fields or facilities;

(e) Railroads, rapid transit, and other mass transit systems;

(f) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;

(g) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing such care or treatment and their families;	297 298 299
(h) Solid waste or hazardous waste collection or disposal facilities, or resource recovery and solid or hazardous waste recycling facilities, or any combination of those facilities;	300 301 302
(i) Urban redevelopment projects;	303
(j) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	304 305
(k) Facilities for natural resources exploration, development, recovery, use, and sale;	306 307
(1) Correctional and detention facilities, including multicounty-municipal jails, and related rehabilitation facilities.	308 309 310
(2) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the municipal corporation amounts equivalent to debt charges on the securities;	311 312 313 314 315 316 317
(3) Securities issued under order of the director of health or director of environmental protection under section 6109.18 of the Revised Code;	318 319 320
(4) Securities issued under Section 3, 10, or 12 of Article XVIII, Ohio Constitution;	321 322
(5) Securities that are not general obligations of the municipal corporation;	323 324
(6) Voted securities issued for the purposes of urban redevelopment to the extent that their principal amount does not	325 326

exceed an amount equal to two per cent of the tax valuation of the 327
municipal corporation; 328

(7) Unvoted general obligation securities to the extent that 329
the legislation authorizing them includes covenants to appropriate 330
annually from lawfully available municipal income taxes or other 331
municipal excises or taxes, including taxes referred to in section 332
701.06 of the Revised Code but not including ad valorem property 333
taxes, and to continue to levy and collect those municipal income 334
taxes or other applicable excises or taxes in, amounts necessary 335
to meet the debt charges on those securities, which covenants are 336
hereby authorized; 337

(8) Self-supporting securities issued prior to July 1, 1977, 338
under this chapter for the purpose of municipal university 339
residence halls to the extent that revenues of the successor state 340
university allocated to debt charges on those securities, from 341
sources other than municipal excises and taxes, are sufficient to 342
pay those debt charges; 343

(9) Securities issued for the purpose of acquiring or 344
constructing roads, highways, bridges, or viaducts, for the 345
purpose of acquiring or making other highway permanent 346
improvements, or for the purpose of procuring and maintaining 347
computer systems for the office of the clerk of the municipal 348
court to the extent that the legislation authorizing the issuance 349
of the securities includes a covenant to appropriate from money 350
distributed to the municipal corporation pursuant to Chapter 351
4501., 4503., 4504., or 5735. of the Revised Code a sufficient 352
amount to cover debt charges on and financing costs relating to 353
the securities as they become due; 354

(10) Securities issued for the purpose of providing some or 355
all of the funds required to satisfy the municipal corporation's 356
obligation under an agreement with the board of trustees of the 357
Ohio police and fire pension fund under section 742.30 of the 358

Revised Code;	359
(11) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(2) of section 307.672 of the Revised Code;	360 361 362 363
(12) Securities issued for energy conservation measures under section 717.02 of the Revised Code;	364 365
(13) Securities that are obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code.	366 367
(C) In calculating the net indebtedness of a municipal corporation, no obligation incurred under division (C) of section 749.08 <u>749.081</u> of the Revised Code shall be considered.	368 369 370
Sec. 149.43. (A) As used in this section:	371
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for profit entity operating such alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	372 373 374 375 376 377 378
(a) Medical records;	379
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	380 381 382
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	383 384 385
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of	386 387

health under section 3705.12 of the Revised Code;	388
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	389 390 391 392 393 394
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	395 396 397
(g) Trial preparation records;	398
(h) Confidential law enforcement investigatory records;	399
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	400 401
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	402 403
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	404 405 406 407
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	408 409 410 411
(m) Intellectual property records;	412
(n) Donor profile records;	413
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	414 415
(p) Peace officer, firefighter, or EMT residential and	416

familial information;	417
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code <u>or a municipal hospital operated pursuant to Chapter 749. of the Revised Code</u> , information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	418 419 420 421 422
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	423 424
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	425 426 427 428 429
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	430 431 432 433
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	434 435 436 437 438
(v) Records the release of which is prohibited by state or federal law;	439 440
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	441 442 443
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code.	444 445
(2) "Confidential law enforcement investigatory record" means	446

any record that pertains to a law enforcement matter of a 447
criminal, quasi-criminal, civil, or administrative nature, but 448
only to the extent that the release of the record would create a 449
high probability of disclosure of any of the following: 450

(a) The identity of a suspect who has not been charged with 451
the offense to which the record pertains, or of an information 452
source or witness to whom confidentiality has been reasonably 453
promised; 454

(b) Information provided by an information source or witness 455
to whom confidentiality has been reasonably promised, which 456
information would reasonably tend to disclose the source's or 457
witness's identity; 458

(c) Specific confidential investigatory techniques or 459
procedures or specific investigatory work product; 460

(d) Information that would endanger the life or physical 461
safety of law enforcement personnel, a crime victim, a witness, or 462
a confidential information source. 463

(3) "Medical record" means any document or combination of 464
documents, except births, deaths, and the fact of admission to or 465
discharge from a hospital, that pertains to the medical history, 466
diagnosis, prognosis, or medical condition of a patient and that 467
is generated and maintained in the process of medical treatment. 468

(4) "Trial preparation record" means any record that contains 469
information that is specifically compiled in reasonable 470
anticipation of, or in defense of, a civil or criminal action or 471
proceeding, including the independent thought processes and 472
personal trial preparation of an attorney. 473

(5) "Intellectual property record" means a record, other than 474
a financial or administrative record, that is produced or 475
collected by or for faculty or staff of a state institution of 476
higher learning in the conduct of or as a result of study or 477

research on an educational, commercial, scientific, artistic, 478
technical, or scholarly issue, regardless of whether the study or 479
research was sponsored by the institution alone or in conjunction 480
with a governmental body or private concern, and that has not been 481
publicly released, published, or patented. 482

(6) "Donor profile record" means all records about donors or 483
potential donors to a public institution of higher education 484
except the names and reported addresses of the actual donors and 485
the date, amount, and conditions of the actual donation. 486

(7) "Peace officer, firefighter, or EMT residential and 487
familial information" means either of the following: 488

(a) Any information maintained in a personnel record of a 489
peace officer, firefighter, or EMT that discloses any of the 490
following: 491

(i) The address of the actual personal residence of a peace 492
officer, firefighter, or EMT, except for the state or political 493
subdivision in which the peace officer, firefighter, or EMT 494
resides; 495

(ii) Information compiled from referral to or participation 496
in an employee assistance program; 497

(iii) The social security number, the residential telephone 498
number, any bank account, debit card, charge card, or credit card 499
number, or the emergency telephone number of, or any medical 500
information pertaining to, a peace officer, firefighter, or EMT; 501

(iv) The name of any beneficiary of employment benefits, 502
including, but not limited to, life insurance benefits, provided 503
to a peace officer, firefighter, or EMT by the peace officer's, 504
firefighter's, or EMT's employer; 505

(v) The identity and amount of any charitable or employment 506
benefit deduction made by the peace officer's, firefighter's, or 507

EMT's employer from the peace officer's, firefighter's, or EMT's 508
compensation unless the amount of the deduction is required by 509
state or federal law; 510

(vi) The name, the residential address, the name of the 511
employer, the address of the employer, the social security number, 512
the residential telephone number, any bank account, debit card, 513
charge card, or credit card number, or the emergency telephone 514
number of the spouse, a former spouse, or any child of a peace 515
officer, firefighter, or EMT. 516

(b) Any record that identifies a person's occupation as a 517
peace officer, firefighter, or EMT other than statements required 518
to include the disclosure of that fact under the campaign finance 519
law. 520

As used in divisions (A)(7) and (B)(5) of this section, 521
"peace officer" has the same meaning as in section 109.71 of the 522
Revised Code and also includes the superintendent and troopers of 523
the state highway patrol; it does not include the sheriff of a 524
county or a supervisory employee who, in the absence of the 525
sheriff, is authorized to stand in for, exercise the authority of, 526
and perform the duties of the sheriff. 527

As used in divisions (A)(7) and (B)(5) of this section, 528
"firefighter" means any regular, paid or volunteer, member of a 529
lawfully constituted fire department of a municipal corporation, 530
township, fire district, or village. 531

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 532
means EMTs-basic, EMTs-I, and paramedics that provide emergency 533
medical services for a public emergency medical service 534
organization. "Emergency medical service organization," 535
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 536
section 4765.01 of the Revised Code. 537

(8) "Information pertaining to the recreational activities of 538

a person under the age of eighteen" means information that is kept 539
in the ordinary course of business by a public office, that 540
pertains to the recreational activities of a person under the age 541
of eighteen years, and that discloses any of the following: 542

(a) The address or telephone number of a person under the age 543
of eighteen or the address or telephone number of that person's 544
parent, guardian, custodian, or emergency contact person; 545

(b) The social security number, birth date, or photographic 546
image of a person under the age of eighteen; 547

(c) Any medical record, history, or information pertaining to 548
a person under the age of eighteen; 549

(d) Any additional information sought or required about a 550
person under the age of eighteen for the purpose of allowing that 551
person to participate in any recreational activity conducted or 552
sponsored by a public office or to use or obtain admission 553
privileges to any recreational facility owned or operated by a 554
public office. 555

(9) "Community control sanction" has the same meaning as in 556
section 2929.01 of the Revised Code. 557

(10) "Post-release control sanction" has the same meaning as 558
in section 2967.01 of the Revised Code. 559

(B)(1) Subject to division (B)(4) of this section, all public 560
records shall be promptly prepared and made available for 561
inspection to any person at all reasonable times during regular 562
business hours. Subject to division (B)(4) of this section, upon 563
request, a public office or person responsible for public records 564
shall make copies available at cost, within a reasonable period of 565
time. In order to facilitate broader access to public records, 566
public offices shall maintain public records in a manner that they 567
can be made available for inspection in accordance with this 568
division. 569

(2) If any person chooses to obtain a copy of a public record 570
in accordance with division (B)(1) of this section, the public 571
office or person responsible for the public record shall permit 572
that person to choose to have the public record duplicated upon 573
paper, upon the same medium upon which the public office or person 574
responsible for the public record keeps it, or upon any other 575
medium upon which the public office or person responsible for the 576
public record determines that it reasonably can be duplicated as 577
an integral part of the normal operations of the public office or 578
person responsible for the public record. When the person seeking 579
the copy makes a choice under this division, the public office or 580
person responsible for the public record shall provide a copy of 581
it in accordance with the choice made by the person seeking the 582
copy. 583

(3) Upon a request made in accordance with division (B)(1) of 584
this section, a public office or person responsible for public 585
records shall transmit a copy of a public record to any person by 586
United States mail within a reasonable period of time after 587
receiving the request for the copy. The public office or person 588
responsible for the public record may require the person making 589
the request to pay in advance the cost of postage and other 590
supplies used in the mailing. 591

Any public office may adopt a policy and procedures that it 592
will follow in transmitting, within a reasonable period of time 593
after receiving a request, copies of public records by United 594
States mail pursuant to this division. A public office that adopts 595
a policy and procedures under this division shall comply with them 596
in performing its duties under this division. 597

In any policy and procedures adopted under this division, a 598
public office may limit the number of records requested by a 599
person that the office will transmit by United States mail to ten 600
per month, unless the person certifies to the office in writing 601

that the person does not intend to use or forward the requested 602
records, or the information contained in them, for commercial 603
purposes. For purposes of this division, "commercial" shall be 604
narrowly construed and does not include reporting or gathering 605
news, reporting or gathering information to assist citizen 606
oversight or understanding of the operation or activities of 607
government, or nonprofit educational research. 608

(4) A public office or person responsible for public records 609
is not required to permit a person who is incarcerated pursuant to 610
a criminal conviction or a juvenile adjudication to inspect or to 611
obtain a copy of any public record concerning a criminal 612
investigation or prosecution or concerning what would be a 613
criminal investigation or prosecution if the subject of the 614
investigation or prosecution were an adult, unless the request to 615
inspect or to obtain a copy of the record is for the purpose of 616
acquiring information that is subject to release as a public 617
record under this section and the judge who imposed the sentence 618
or made the adjudication with respect to the person, or the 619
judge's successor in office, finds that the information sought in 620
the public record is necessary to support what appears to be a 621
justiciable claim of the person. 622

(5) Upon written request made and signed by a journalist on 623
or after December 16, 1999, a public office, or person responsible 624
for public records, having custody of the records of the agency 625
employing a specified peace officer, firefighter, or EMT shall 626
disclose to the journalist the address of the actual personal 627
residence of the peace officer, firefighter or EMT and, if the 628
peace officer's, firefighter's or EMT's spouse, former spouse, or 629
child is employed by a public office, the name and address of the 630
employer of the peace officer's, firefighter's, or EMT's spouse, 631
former spouse, or child. The request shall include the 632
journalist's name and title and the name and address of the 633

journalist's employer and shall state that disclosure of the 634
information sought would be in the public interest. 635

As used in division (B)(5) of this section, "journalist" 636
means a person engaged in, connected with, or employed by any news 637
medium, including a newspaper, magazine, press association, news 638
agency, or wire service, a radio or television station, or a 639
similar medium, for the purpose of gathering, processing, 640
transmitting, compiling, editing, or disseminating information for 641
the general public. 642

(C) If a person allegedly is aggrieved by the failure of a 643
public office to promptly prepare a public record and to make it 644
available to the person for inspection in accordance with division 645
(B) of this section, or if a person who has requested a copy of a 646
public record allegedly is aggrieved by the failure of a public 647
office or the person responsible for the public record to make a 648
copy available to the person allegedly aggrieved in accordance 649
with division (B) of this section, the person allegedly aggrieved 650
may commence a mandamus action to obtain a judgment that orders 651
the public office or the person responsible for the public record 652
to comply with division (B) of this section and that awards 653
reasonable attorney's fees to the person that instituted the 654
mandamus action. The mandamus action may be commenced in the court 655
of common pleas of the county in which division (B) of this 656
section allegedly was not complied with, in the supreme court 657
pursuant to its original jurisdiction under Section 2 of Article 658
IV, Ohio Constitution, or in the court of appeals for the 659
appellate district in which division (B) of this section allegedly 660
was not complied with pursuant to its original jurisdiction under 661
Section 3 of Article IV, Ohio Constitution. 662

(D) Chapter 1347. of the Revised Code does not limit the 663
provisions of this section. 664

(E)(1) The bureau of motor vehicles may adopt rules pursuant 665

to Chapter 119. of the Revised Code to reasonably limit the number 666
of bulk commercial special extraction requests made by a person 667
for the same records or for updated records during a calendar 668
year. The rules may include provisions for charges to be made for 669
bulk commercial special extraction requests for the actual cost of 670
the bureau, plus special extraction costs, plus ten per cent. The 671
bureau may charge for expenses for redacting information, the 672
release of which is prohibited by law. 673

(2) As used in divisions (B)(3) and (E)(1) of this section: 674

(a) "Actual cost" means the cost of depleted supplies, 675
records storage media costs, actual mailing and alternative 676
delivery costs, or other transmitting costs, and any direct 677
equipment operating and maintenance costs, including actual costs 678
paid to private contractors for copying services. 679

(b) "Bulk commercial special extraction request" means a 680
request for copies of a record for information in a format other 681
than the format already available, or information that cannot be 682
extracted without examination of all items in a records series, 683
class of records, or data base by a person who intends to use or 684
forward the copies for surveys, marketing, solicitation, or resale 685
for commercial purposes. "Bulk commercial special extraction 686
request" does not include a request by a person who gives 687
assurance to the bureau that the person making the request does 688
not intend to use or forward the requested copies for surveys, 689
marketing, solicitation, or resale for commercial purposes. 690

(c) "Commercial" means profit-seeking production, buying, or 691
selling of any good, service, or other product. 692

(d) "Special extraction costs" means the cost of the time 693
spent by the lowest paid employee competent to perform the task, 694
the actual amount paid to outside private contractors employed by 695
the bureau, or the actual cost incurred to create computer 696

programs to make the special extraction. "Special extraction 697
costs" include any charges paid to a public agency for computer or 698
records services. 699

(3) For purposes of divisions (E)(1) and (2) of this section, 700
"commercial surveys, marketing, solicitation, or resale" shall be 701
narrowly construed and does not include reporting or gathering 702
news, reporting or gathering information to assist citizen 703
oversight or understanding of the operation or activities of 704
government, or nonprofit educational research. 705

Sec. 737.03. The director of public safety shall manage and 706
make all contracts with reference to police stations, fire houses, 707
reform schools, infirmaries, hospitals other than municipal 708
hospitals operated pursuant to Chapter 749. of the Revised Code, 709
workhouses, farms, pesthouses, and all other charitable and 710
reformatory institutions. In the control and supervision of those 711
institutions, the director shall be governed by the provisions of 712
Title VII of the Revised Code relating to those institutions. 713

The director may make all contracts and expenditures of money 714
for acquiring lands for the erection or repairing of station 715
houses, police stations, fire department buildings, fire cisterns, 716
and plugs, that are required, for the purchase of engines, 717
apparatus, and all other supplies necessary for the police and 718
fire departments, and for other undertakings and departments under 719
the director's supervision, but no obligation involving an 720
expenditure of more than twenty-five thousand dollars shall be 721
created unless first authorized and directed by ordinance. In 722
making, altering, or modifying those contracts, the director shall 723
be governed by sections 735.05 to 735.09 of the Revised Code, 724
except that all bids shall be filed with and opened by the 725
director. The director shall make no sale or disposition of any 726
property belonging to the city without first being authorized by 727

resolution or ordinance of the city legislative authority. 728

Sec. 749.02. The legislative authority of a municipal 729
corporation may agree with a corporation organized for charitable 730
purposes and not for profit, for the erection and management of a 731
hospital suitably located for the treatment of the sick and 732
disabled of such municipal corporation, or for an addition to such 733
hospital, and for a permanent interest therein to such extent and 734
upon such terms as are agreed upon between them, and the 735
legislative authority shall provide for the payment of the amount 736
agreed upon for such interest, either in one payment or in annual 737
installments, as is agreed upon. 738

Such agreement shall not become operative until approved by a 739
vote of the electors of the municipal corporation as provided in 740
section ~~749.03~~ 749.021 of the Revised Code. 741

Sec. ~~749.03~~ 749.021. Upon the execution of the agreement 742
provided for in section 749.02 of the Revised Code the legislative 743
authority of the municipal corporation shall submit to the 744
electors thereof, at the next general election occurring not less 745
than seventy-five days after the certification of the resolution 746
to the board of elections, the question of the ratification of 747
such agreement, and if the sum to be paid by the municipal 748
corporation under the terms of such agreement is not available 749
from current general revenues thereof, the legislative authority 750
shall also submit to the electors, at the same election, the 751
question of the issue of bonds of the municipal corporation in the 752
amount specified in such agreement for the purpose of providing 753
funds for the payment of such sum. The proceedings in the matter 754
of such election and in the issuance and sale of such bonds shall 755
be as provided by law for municipal bonds. Such agreement shall 756
not be effective, and no bonds shall be issued, unless the 757
electors approve of both the agreement and the bond issue, if the 758

question of the issue of bonds is so submitted. 759

Sec. 749.03. (A) As used in this section, "outpatient health facility" means a facility where medical care and preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services are provided to outpatients by or under the direction of a physician or dentist. 760
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(B) The legislative authority of a municipal corporation or a board of hospital commissioners established under section 749.04 of the Revised Code may purchase, acquire, lease, appropriate, or construct an outpatient health facility in another municipal corporation to serve as a branch of a hospital erected under sections 749.02 to 749.14 of the Revised Code. The outpatient health facility may include office space for physicians. The facility shall be operated pursuant to the law that regulates the operation of the hospital. 765
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(C) When a proposal to establish an outpatient health facility in another municipal corporation is made by a board of hospital commissioners, all of the following apply: 774
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(1) The board shall give written notice to the legislative authority of its municipal corporation and to the legislative authority of the municipal corporation where the facility is to be located. The legislative authority of the municipal corporation where the facility is to be located, by resolution adopted within forty days after receipt of the notice, may object to the proposed facility. The resolution shall include an explanation of the objection and may make any recommendations the legislative authority considers necessary. The legislative authority shall send a copy of the resolution to the board of hospital commissioners and the legislative authority of the municipal corporation that proposes to locate the facility in the other 777
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municipal corporation.

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(2) Except as provided in division (B)(3) of this section,
the board of hospital commissioners may establish and operate the
facility, unless the legislative authority of the municipal
corporation proposing to locate the facility in the other
municipal corporation, not later than twenty days after receiving
a resolution of objection from the other legislative authority
pursuant to division (B)(1) of this section, adopts a resolution
denying the board the right to establish the facility.

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(3) If the legislative authority of a municipal corporation
provides a subsidy for uncompensated care to a board of hospital
commissioners, the board may establish and operate the outpatient
health facility only if that legislative authority approves the
establishment of the facility.

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Sec. 749.08. (A) No money shall be paid for the erection,
rebuilding, or repair of a hospital for any addition to the
hospital; for the uses and purposes of the hospital; for supplies
or the replacement of necessary equipment; for the acquisition,
leasing, or construction of permanent improvements to hospital
property; or for making a donation authorized by division (C) of
this section, unless the expenditure is first authorized by the
board of hospital commissioners. Each disbursement of funds shall
be made on a voucher signed by signatories designated and approved
by the board.

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No member of the board shall be interested, directly or
indirectly, in any contract concerning such hospital.

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(B) The board of hospital commissioners shall have the entire
management and control of a hospital erected under sections 749.02
to 749.14 of the Revised Code, when completed and ready for use,
and shall assume and continue the operation of the hospital.

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Subject to the ordinances of the legislative authority of the 819
municipal corporation, the board shall establish rules for the 820
hospital's government, and the admission of persons to its 821
privileges, as are expedient. 822

The board has control of the property of the hospital. The 823
board's control of property includes the management and disposal 824
of surplus property. 825

The board has control of all funds used in the hospital's 826
operation, including moneys received from the operation of the 827
hospital, moneys appropriated for its operation by the legislative 828
authority of the municipal corporation, and moneys resulting from 829
special levies submitted by the legislative authority for 830
operation of the hospital. Of those funds, all or part of any 831
amount determined not to be necessary to meet current demands on 832
the hospital may be invested by the board or its designee in any 833
classifications of securities and obligations eligible for deposit 834
or investment of moneys pursuant to section 135.14 of the Revised 835
Code, subject to the approval of the board's written investment 836
policy by the legislative authority of the municipal corporation. 837

(C) For the public purpose of improving the health, safety, 838
and general welfare of the community, the board of hospital 839
commissioners may donate to a nonprofit entity any of the 840
following: 841

(1) Moneys and other financial assets determined not to be 842
necessary to meet current demands on the hospital; 843

(2) Surplus hospital property, including supplies, equipment, 844
office facilities, and other property; 845

(3) Services rendered by the hospital. 846

Sec. ~~749.08~~ 749.081. (A) For purposes of this section: 847

(1) "Bank" has the same meaning as in section 1101.01 of the 848

Revised Code. 849

(2) "Savings and loan association" has the same meaning as in 850
section 1151.01 of the Revised Code. 851

(3) "Savings bank" has the same meaning as in section 1161.01 852
of the Revised Code. 853

~~(B) No money shall be paid for the erection, rebuilding, or 854
repair of a hospital, or for any addition thereto, or for supplies 855
therefor, unless such expenditure is first authorized by the board 856
of hospital commissioners, and upon the warrant of the proper 857
officer of the municipal corporation. No member of the board shall 858
be interested, directly or indirectly, in any contract concerning 859
such hospital. 860~~

~~(C)~~ The board of hospital commissioners may enter into a 861
contract for a secured line of credit with a bank, savings and 862
loan association, or savings bank if the contract meets all of the 863
following requirements: 864

(1) The term of the contract does not exceed one hundred 865
eighty days; 866

(2) The board's secured line of credit does not exceed five 867
hundred thousand dollars; 868

(3) The contract provides that any amount extended must be 869
repaid in full before any additional credit can be extended; 870

(4) The contract provides that the bank, savings and loan 871
association, or savings bank shall not commence a civil action 872
against the legislative authority of a municipal corporation or 873
any member thereof, or the municipal corporation to recover the 874
principal, interest, or any charges or other amounts that remain 875
outstanding on the secured line of credit at the time of any 876
default by the board of hospital commissioners; 877

(5) The contract provides that no assets other than those of 878

the hospital can be used to secure the line of credit; 879

(6) The terms and conditions of the contract comply with all 880
state and federal statutes and rules governing the extension of a 881
secured line of credit. 882

~~(D)~~(C) Any obligation incurred by a board of hospital 883
commissioners under division ~~(C)~~(B) of this section is an 884
obligation of that board only and not a general obligation of the 885
legislative authority of a municipal corporation or the municipal 886
corporation within the meaning of division (Q) of section 133.01 887
of the Revised Code. 888

~~(E)~~(D) No board of hospital commissioners shall at any time 889
have more than one secured line of credit under division (B) of 890
this section. 891

Sec. 749.15 749.082. (A) ~~The director of public safety shall~~ 892
~~have the entire management and control following apply to the~~ 893
~~board of hospital commissioners in relation to its employees and~~ 894
~~the employees~~ of a hospital erected under sections 749.02 to 895
749.14 of the Revised Code, ~~when completed and ready for use, and,~~ 896
subject to the ordinances of the legislative authority of the 897
city, ~~shall establish rules for its government, and the admission~~ 898
~~of persons to its privileges, as he deems expedient. The director~~ 899
~~may employ a superintendent, steward, physicians, nurses, and such~~ 900
~~other employees as are necessary, and fix the compensation of all~~ 901
~~such persons, which compensation shall be subject to the approval~~ 902
~~of the legislative authority. The director with the approval of~~ 903
~~the mayor may also employ counsel to bring legal action for the~~ 904
~~collection of delinquent accounts.~~ 905

~~(B) The director of public safety~~ municipal corporation: 906

(1) The board may adopt the wage and salary schedule for 907
employees. 908

(2) The board may employ the hospital's administrator pursuant to section 749.083 of the Revised Code, and the administrator may employ individuals for the hospital in accordance with that section. 909
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(3) The board may employ assistants as necessary to perform its clerical work, superintend properly the construction of the hospital, and pay the hospital's expenses. The employees may be paid from funds provided for the hospital. 913
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(4) The board may enter into a contract with an employer or other entity whereby the services of any employee of the board or hospital are rendered to or on behalf of the employer or other entity for a fee paid to the board or hospital. 917
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(5) The board may grant to employees of a hospital erected under sections 749.02 to 749.14 of the Revised Code any of the following as he fringe benefits the board determines to be customary and usual in the nonprofit hospital field in the community, including the following: 921
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+1)(a) Additional vacation leave with full pay for full-time employees, including hourly rate employees, after service of one year; 926
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+2)(b) Vacation leave and holiday pay for part-time employees on a pro rata basis; 929
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+3)(c) Leave with full pay, which shall not be deducted from the employee's accumulated sick leave, due to death in the employee's immediate family; 931
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+4)(d) Moving expenses for new employees; 934

+5)(e) Premium pay for working on holidays observed by other municipal agencies; 935
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+6)(f) Discounts on purchases from the hospital pharmacy. 937

The director (6) The board may provide holiday leave by 938

observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code. 939
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(7) The board may grant to employees the insurance benefits authorized by division (B) of this section. 942
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(8) The board may provide employee recognition awards and may hold employee recognition dinners. ~~The director~~ 944
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(9) The board may provide scholarships for education in the health care professions, tuition reimbursement, and other staff development programs for the purpose of recruiting or retaining qualified employees. ~~The~~ 946
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(10) The board may pay reasonable expenses for recruiting physicians into the city or for retaining them if all or part of the city has been designated as an area with a shortage of personal health services under the "Health Maintenance Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 300e, as amended. 950
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(B)(1) The board of hospital commissioners may contract for, purchase, or otherwise procure on behalf of any or all of its employees, the employees of the hospital, or such employees and their immediate dependents the following types of fringe benefits: 956
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(a) Group or individual insurance contracts which may include life, sickness, accident, disability, annuities, endowment, health, medical expense, hospital, dental, surgical and related coverage or any combination thereof; 960
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(b) Group or individual contracts with health insuring corporations or other providers of professional services, care, or benefits duly authorized to do business in this state. 964
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(2) The board of hospital commissioners may contract for, purchase, or otherwise procure insurance contracts which provide 967
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protection for the commissioners, the board's employees, and the 969
employees of the hospital against liability, including 970
professional liability, provided that this section or any 971
insurance contract issued pursuant to this section shall not be 972
construed as a waiver of or in any manner affect the immunity of 973
the hospital or municipal corporation. 974

(3) All or any portion of the cost, premium, fees, or charges 975
for the insurance benefits specified in divisions (B)(1) and (2) 976
of this section may be paid in such manner or combination of 977
manners as the board may determine, including direct payment by an 978
employee, and, if authorized in writing by an employee, by the 979
board of trustees with moneys made available by deduction from or 980
reduction in salary or wages or by the foregoing of a salary or 981
wage increase. 982

Notwithstanding sections 3917.01 and 3917.06 of the Revised 983
Code, the board may purchase group life insurance authorized by 984
this section by reason of payment of premiums therefor by the 985
board from its funds, and such group life insurance may be issued 986
and purchased if otherwise consistent with sections 3917.01 to 987
3917.06 of the Revised Code. 988

(C) The board with the approval of the legislative authority 989
may retain counsel to bring actions for the collection of 990
delinquent accounts. 991

Sec. 749.083. (A) The board of hospital commissioners shall 992
provide for the administration of the hospital by directly 993
employing a hospital administrator or by entering into a contract 994
for the management of the hospital under which an administrator is 995
provided. When an administrator is employed directly, the board 996
shall adopt a job description delineating the administrator's 997
powers and duties and the board may pay the administrator's salary 998
and other benefits from funds provided for the hospital. 999

(B) During the construction and equipping of the hospital, 1000
the administrator shall act in an advisory capacity to the board. 1001
After the hospital is completed, the administrator shall serve as 1002
the chief executive officer and shall carry out the administration 1003
of the hospital according to the policies set forth by the board. 1004

The administrator shall administer the hospital, make 1005
reports, and take any other action that the administrator 1006
determines is necessary for the operation of the hospital. 1007

At the end of each fiscal year, the administrator shall 1008
submit to the board a complete financial statement showing the 1009
receipts, revenues, and expenditures in detail for the entire 1010
fiscal year. 1011

The administrator shall ensure that the hospital has such 1012
physicians, nurses, and other employees as are necessary for the 1013
proper care, control, and management of the hospital and its 1014
patients. The physicians, nurses, and other employees may be 1015
suspended or removed by the administrator at any time the welfare 1016
of the hospital warrants suspension or removal. The administrator 1017
may obtain physicians, nurses, and other employees by direct 1018
employment, entering into contracts, or granting authority to 1019
practice in the hospital. 1020

Sec. 749.18. Where an agreement under section 749.16 of the 1021
Revised Code concerns or includes participation of a joint 1022
township hospital district, or of a county, in the maintenance and 1023
operation of a municipal hospital, the municipal corporation may 1024
establish a board of governors to exercise, subject to such 1025
further limitations as are imposed by the agreement, the powers 1026
vested ~~under section 749.15 of the Revised Code in the director of~~ 1027
public safety board of hospital commissioners, provided that any 1028
such limitations shall not deny the board of governors the 1029
authority to ~~employ~~ retain counsel, to institute legal action in 1030

its own name, or to employ any other lawful means, for the 1031
collection of delinquent accounts. The board may include in its 1032
membership such representatives of the participating district, or 1033
of the county, as are provided for in such agreement. The 1034
municipal members of the board shall consist of the mayor, who by 1035
virtue of ~~his~~ that office shall be its president, and four 1036
resident freeholders of the municipal corporation, at least one of 1037
whom shall be a doctor of medicine, to be appointed by the mayor 1038
with the consent of the legislative authority. The term of office 1039
of such municipal members shall be as provided in section 749.05 1040
of the Revised Code. The board shall, subject to the terms of the 1041
agreement, establish such regulations and elect such officers, 1042
other than president, as its members determine. The members shall 1043
be entitled to such compensation for their services as is provided 1044
by the agreement. 1045

Sec. 749.24. The board of hospital trustees shall, subject to 1046
any ordinance of the municipal corporation, have the entire 1047
management and control of the property or funds mentioned in 1048
section 749.20 of the Revised Code, and shall establish such rules 1049
for the government thereof as it deems expedient. Such board shall 1050
also have the entire control of the expenditure of all moneys 1051
therefrom and they shall be disbursed by the treasurer of the 1052
municipal corporation only upon the warrant of the municipal 1053
auditor or clerk, drawn in accordance with the order of such 1054
board. 1055

The board may apply, control, invest, and reinvest the funds 1056
coming or arising from any gift, devise, or ~~request~~ bequest 1057
according to the terms on which it was acquired. 1058

Sec. 749.33. The board of hospital trustees may employ such 1059
~~superintendents, physicians, nurses, and other~~ employees as are 1060

necessary for the execution of its duties and fix their 1061
compensation. Any of such persons may be removed by the board at 1062
any time. The board may provide to its employees such of the 1063
benefits, awards, and staff development programs listed in section 1064
749.15 749.082 of the Revised Code as the board determines to be 1065
customary and usual in the nonprofit hospital field in its 1066
community. 1067

Sec. 749.37. Notwithstanding any conflicting provision of 1068
sections 749.09 to 749.14 and 749.26 to 749.31 of the Revised 1069
Code, Chapter 153. of the Revised Code, or any other competitive 1070
bidding requirement specified in the Revised Code that requires a 1071
public authority to enter into separate contracts for the design 1072
and construction of a public improvement, a board of hospital 1073
commissioners or a board of hospital trustees may enter into a 1074
single contract under which the entity awarded the contract is 1075
responsible for providing both design and construction services 1076
related to the erection of a hospital, any addition to the 1077
hospital, or any other improvement to the hospital or its 1078
properties involving alteration, repair, replacement, renovation, 1079
installation, or demolition. This section does not otherwise alter 1080
the competitive bidding requirements that apply to the board when 1081
entering into a contract for a public improvement. 1082

Sec. 751.07. In the management of a city infirmary, in the 1083
care and treatment of the inmates thereof, and in the erection, 1084
enlargement, or repair of any building for infirmary purposes, or 1085
of any addition thereto, the director of public safety shall have 1086
the same powers, be governed by the same regulations, and perform 1087
the same duties, as far as applicable, as are vested in ~~him~~ a 1088
board of hospital commissioners established under section 749.04 1089
of the Revised Code in relation to municipal hospitals. The power 1090

of the legislative authority in relation thereto shall be the 1091
same, so far as applicable, as provided to the legislative 1092
authority by sections 749.01 to 749.34, ~~inclusive,~~ of the Revised 1093
Code, in relation to hospitals. 1094

Sec. 3702.62. (A) Any action pursuant to section 140.03, 1095
140.04, 140.05, 307.091, 313.21, 339.01, 339.021, 339.03, 339.06, 1096
339.08, 339.09, 339.12, 339.14, 513.05, 513.07, 513.08, 513.081, 1097
513.12, 513.15, 513.17, 513.171, 749.02, 749.03, 749.14, 749.16, 1098
749.20, 749.25, 749.28, 749.35, 1751.06, or 3707.29 of the Revised 1099
Code shall be taken in accordance with sections 3702.51 to 3702.61 1100
of the Revised Code. 1101

(B) A nursing home certified as an intermediate care facility 1102
for the mentally retarded under Title XIX of the "Social Security 1103
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, that is 1104
required to apply for licensure as a residential facility under 1105
section 5123.19 of the Revised Code is not, with respect to the 1106
portion of the home certified as an intermediate care facility for 1107
the mentally retarded, subject to sections 3702.51 to 3702.61 of 1108
the Revised Code. 1109

Sec. 4115.04. (A) Every public authority authorized to 1110
contract for or construct with its own forces a public 1111
improvement, before advertising for bids or undertaking such 1112
construction with its own forces, shall have the director of 1113
commerce determine the prevailing rates of wages of mechanics and 1114
laborers in accordance with section 4115.05 of the Revised Code 1115
for the class of work called for by the public improvement, in the 1116
locality where the work is to be performed. Such schedule of wages 1117
shall be attached to and made part of the specifications for the 1118
work, and shall be printed on the bidding blanks where the work is 1119
done by contract. A copy of the bidding blank shall be filed with 1120

the director before such contract is awarded. A minimum rate of 1121
wages for common laborers, on work coming under the jurisdiction 1122
of the department of transportation, shall be fixed in each county 1123
of the state by said department of transportation, in accordance 1124
with section 4115.05 of the Revised Code. 1125

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 1126
apply to: 1127

(1) Public improvements in any case where the federal 1128
government or any of its agencies furnishes by loan or grant all 1129
or any part of the funds used in constructing such improvements, 1130
provided the federal government or any of its agencies prescribes 1131
predetermined minimum wages to be paid to mechanics and laborers 1132
employed in the construction of such improvements; 1133

(2) A participant in a work activity, developmental activity, 1134
or an alternative work activity under sections 5107.40 to 5107.69 1135
of the Revised Code when a public authority directly uses the 1136
labor of the participant to construct a public improvement if the 1137
participant is not engaged in paid employment or subsidized 1138
employment pursuant to the activity; 1139

(3) Public improvements undertaken by, or under contract for, 1140
the board of education of any school district or the governing 1141
board of any educational service center; 1142

(4) Public improvements undertaken by, or under contract for, 1143
a county hospital operated pursuant to Chapter 339. of the Revised 1144
Code or a municipal hospital operated pursuant to Chapter 749. of 1145
the Revised Code if none of the funds used in constructing the 1146
improvements are the proceeds of bonds or other obligations which 1147
are secured by the full faith and credit of the state, ~~the a~~ 1148
county, a township, or a municipal corporation and none of the 1149
funds used in constructing the improvements, including funds used 1150
to repay any amounts borrowed to construct the improvements, are 1151

funds that have been appropriated for that purpose by the state, a 1152
board of county commissioners, ~~the state,~~ a township, or a 1153
municipal corporation from funds generated by the levy of a tax; 1154
provided, however, that a county hospital or municipal hospital 1155
may elect to apply sections 4115.03 to 4115.16 of the Revised Code 1156
to a public improvement undertaken by, or under contract for, the 1157
~~county~~ hospital. 1158

Section 2. That existing sections 121.22, 133.05, 149.43, 1159
737.03, 749.02, 749.03, 749.08, 749.15, 749.18, 749.24, 749.33, 1160
751.07, 3702.62, and 4115.04 of the Revised Code are hereby 1161
repealed. 1162