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**125th General Assembly
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Sub. S. B. No. 222

Senators Carey, Amstutz, Schuring

**Representatives Aslanides, Calvert, Carmichael, Chandler, Daniels, Flowers,
Gibbs, Hughes, Otterman, Reidelbach, Reinhard, Schlichter, Schmidt,
J. Stewart, Wagner**

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A B I L L

To amend sections 121.22, 133.05, 149.43, 721.15, 1
721.27, 737.03, 749.02, 749.08, 749.10, 749.15, 2
749.18, 749.24, 749.33, 751.07, 2744.01, 3702.62, 3
and 4115.04; to amend, for the purpose of adopting 4
new section numbers as indicated in parentheses, 5
sections 749.03 (749.021), 749.08 (749.081), and 6
749.15 (749.082); to enact new sections 749.03 and 7
749.08 and sections 749.083, 749.084, and 749.37 8
of the Revised Code to modify the laws governing 9
municipal hospitals. 10

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

Section 1. That sections 121.22, 133.05, 149.43, 721.15, 11
721.27, 737.03, 749.02, 749.08, 749.10, 749.15, 749.18, 749.24, 12
749.33, 751.07, 2744.01, 3702.62, and 4115.04 be amended; sections 13
749.03 (749.021), 749.08 (749.081), and 749.15 (749.082) be 14
amended for the purpose of adopting new section numbers as 15
indicated in parentheses; and new sections 749.03 and 749.08 and 16
sections 749.083, 749.084, and 749.37 of the Revised Code be 17
enacted to read as follows: 18

Sec. 121.22. (A) This section shall be liberally construed to 19
require public officials to take official action and to conduct 20
all deliberations upon official business only in open meetings 21
unless the subject matter is specifically excepted by law. 22

(B) As used in this section: 23

(1) "Public body" means any of the following: 24

(a) Any board, commission, committee, council, or similar 25
decision-making body of a state agency, institution, or authority, 26
and any legislative authority or board, commission, committee, 27
council, agency, authority, or similar decision-making body of any 28
county, township, municipal corporation, school district, or other 29
political subdivision or local public institution; 30

(b) Any committee or subcommittee of a body described in 31
division (B)(1)(a) of this section; 32

(c) A court of jurisdiction of a sanitary district organized 33
wholly for the purpose of providing a water supply for domestic, 34
municipal, and public use when meeting for the purpose of the 35
appointment, removal, or reappointment of a member of the board of 36
directors of such a district pursuant to section 6115.10 of the 37
Revised Code, if applicable, or for any other matter related to 38
such a district other than litigation involving the district. As 39
used in division (B)(1)(c) of this section, "court of 40
jurisdiction" has the same meaning as "court" in section 6115.01 41
of the Revised Code. 42

(2) "Meeting" means any prearranged discussion of the public 43
business of the public body by a majority of its members. 44

(3) "Regulated individual" means either of the following: 45

(a) A student in a state or local public educational 46
institution; 47

(b) A person who is, voluntarily or involuntarily, an inmate, 48
patient, or resident of a state or local institution because of 49
criminal behavior, mental illness or retardation, disease, 50
disability, age, or other condition requiring custodial care. 51

(4) "Public office" has the same meaning as in section 52
149.011 of the Revised Code. 53

(C) All meetings of any public body are declared to be public 54
meetings open to the public at all times. A member of a public 55
body shall be present in person at a meeting open to the public to 56
be considered present or to vote at the meeting and for purposes 57
of determining whether a quorum is present at the meeting. 58

The minutes of a regular or special meeting of any public 59
body shall be promptly prepared, filed, and maintained and shall 60
be open to public inspection. The minutes need only reflect the 61
general subject matter of discussions in executive sessions 62
authorized under division (G) or (J) of this section. 63

(D) This section does not apply to any of the following: 64

(1) A grand jury; 65

(2) An audit conference conducted by the auditor of state or 66
independent certified public accountants with officials of the 67
public office that is the subject of the audit; 68

(3) The adult parole authority when its hearings are 69
conducted at a correctional institution for the sole purpose of 70
interviewing inmates to determine parole or pardon; 71

(4) The organized crime investigations commission established 72
under section 177.01 of the Revised Code; 73

(5) Meetings of a child fatality review board established 74
under section 307.621 of the Revised Code and meetings conducted 75
pursuant to sections 5153.171 to 5153.173 of the Revised Code; 76

(6) The state medical board when determining whether to 77

suspend a certificate without a prior hearing pursuant to division	78
(G) of either section 4730.25 or 4731.22 of the Revised Code;	79
(7) The board of nursing when determining whether to suspend	80
a license or certificate without a prior hearing pursuant to	81
division (B) of section 4723.281 of the Revised Code;	82
(8) The state board of pharmacy when determining whether to	83
suspend a license without a prior hearing pursuant to division (D)	84
of section 4729.16 of the Revised Code;	85
(9) The state chiropractic board when determining whether to	86
suspend a license without a hearing pursuant to section 4734.37 of	87
the Revised Code.	88
(10) The executive committee of the emergency response	89
commission when determining whether to issue an enforcement order	90
or request that a civil action, civil penalty action, or criminal	91
action be brought to enforce Chapter 3750. of the Revised Code.	92
(E) The controlling board, the development financing advisory	93
council, the industrial technology and enterprise advisory	94
council, the tax credit authority, or the minority development	95
financing advisory board, when meeting to consider granting	96
assistance pursuant to Chapter 122. or 166. of the Revised Code,	97
in order to protect the interest of the applicant or the possible	98
investment of public funds, by unanimous vote of all board,	99
council, or authority members present, may close the meeting	100
during consideration of the following information confidentially	101
received by the authority, council, or board from the applicant:	102
(1) Marketing plans;	103
(2) Specific business strategy;	104
(3) Production techniques and trade secrets;	105
(4) Financial projections;	106
(5) Personal financial statements of the applicant or members	107

of the applicant's immediate family, including, but not limited 108
to, tax records or other similar information not open to public 109
inspection. 110

The vote by the authority, council, or board to accept or 111
reject the application, as well as all proceedings of the 112
authority, council, or board not subject to this division, shall 113
be open to the public and governed by this section. 114

(F) Every public body, by rule, shall establish a reasonable 115
method whereby any person may determine the time and place of all 116
regularly scheduled meetings and the time, place, and purpose of 117
all special meetings. A public body shall not hold a special 118
meeting unless it gives at least twenty-four hours' advance notice 119
to the news media that have requested notification, except in the 120
event of an emergency requiring immediate official action. In the 121
event of an emergency, the member or members calling the meeting 122
shall notify the news media that have requested notification 123
immediately of the time, place, and purpose of the meeting. 124

The rule shall provide that any person, upon request and 125
payment of a reasonable fee, may obtain reasonable advance 126
notification of all meetings at which any specific type of public 127
business is to be discussed. Provisions for advance notification 128
may include, but are not limited to, mailing the agenda of 129
meetings to all subscribers on a mailing list or mailing notices 130
in self-addressed, stamped envelopes provided by the person. 131

(G) Except as provided in division (J) of this section, the 132
members of a public body may hold an executive session only after 133
a majority of a quorum of the public body determines, by a roll 134
call vote, to hold an executive session and only at a regular or 135
special meeting for the sole purpose of the consideration of any 136
of the following matters: 137

(1) To consider the appointment, employment, dismissal, 138

discipline, promotion, demotion, or compensation of a public 139
employee or official, or the investigation of charges or 140
complaints against a public employee, official, licensee, or 141
regulated individual, unless the public employee, official, 142
licensee, or regulated individual requests a public hearing. 143
Except as otherwise provided by law, no public body shall hold an 144
executive session for the discipline of an elected official for 145
conduct related to the performance of the elected official's 146
official duties or for the elected official's removal from office. 147
If a public body holds an executive session pursuant to division 148
(G)(1) of this section, the motion and vote to hold that executive 149
session shall state which one or more of the approved purposes 150
listed in division (G)(1) of this section are the purposes for 151
which the executive session is to be held, but need not include 152
the name of any person to be considered at the meeting. 153

(2) To consider the purchase of property for public purposes, 154
or for the sale of property at competitive bidding, if premature 155
disclosure of information would give an unfair competitive or 156
bargaining advantage to a person whose personal, private interest 157
is adverse to the general public interest. No member of a public 158
body shall use division (G)(2) of this section as a subterfuge for 159
providing covert information to prospective buyers or sellers. A 160
purchase or sale of public property is void if the seller or buyer 161
of the public property has received covert information from a 162
member of a public body that has not been disclosed to the general 163
public in sufficient time for other prospective buyers and sellers 164
to prepare and submit offers. 165

If the minutes of the public body show that all meetings and 166
deliberations of the public body have been conducted in compliance 167
with this section, any instrument executed by the public body 168
purporting to convey, lease, or otherwise dispose of any right, 169
title, or interest in any public property shall be conclusively 170

presumed to have been executed in compliance with this section	171
insofar as title or other interest of any bona fide purchasers,	172
lessees, or transferees of the property is concerned.	173
(3) Conferences with an attorney for the public body	174
concerning disputes involving the public body that are the subject	175
of pending or imminent court action;	176
(4) Preparing for, conducting, or reviewing negotiations or	177
bargaining sessions with public employees concerning their	178
compensation or other terms and conditions of their employment;	179
(5) Matters required to be kept confidential by federal law	180
or regulations or state statutes;	181
(6) Details relative to the security arrangements and	182
emergency response protocols for a public body or a public office,	183
if disclosure of the matters discussed could reasonably be	184
expected to jeopardize the security of the public body or public	185
office;	186
(7) In the case of a county hospital operated pursuant to	187
Chapter 339. of the Revised Code <u>or a municipal hospital operated</u>	188
<u>pursuant to Chapter 749. of the Revised Code</u> , to consider trade	189
secrets, as defined in section 1333.61 of the Revised Code.	190
If a public body holds an executive session to consider any	191
of the matters listed in divisions (G)(2) to (7) of this section,	192
the motion and vote to hold that executive session shall state	193
which one or more of the approved matters listed in those	194
divisions are to be considered at the executive session.	195
A public body specified in division (B)(1)(c) of this section	196
shall not hold an executive session when meeting for the purposes	197
specified in that division.	198
(H) A resolution, rule, or formal action of any kind is	199
invalid unless adopted in an open meeting of the public body. A	200

resolution, rule, or formal action adopted in an open meeting that 201
results from deliberations in a meeting not open to the public is 202
invalid unless the deliberations were for a purpose specifically 203
authorized in division (G) or (J) of this section and conducted at 204
an executive session held in compliance with this section. A 205
resolution, rule, or formal action adopted in an open meeting is 206
invalid if the public body that adopted the resolution, rule, or 207
formal action violated division (F) of this section. 208

(I)(1) Any person may bring an action to enforce this 209
section. An action under division (I)(1) of this section shall be 210
brought within two years after the date of the alleged violation 211
or threatened violation. Upon proof of a violation or threatened 212
violation of this section in an action brought by any person, the 213
court of common pleas shall issue an injunction to compel the 214
members of the public body to comply with its provisions. 215

(2)(a) If the court of common pleas issues an injunction 216
pursuant to division (I)(1) of this section, the court shall order 217
the public body that it enjoins to pay a civil forfeiture of five 218
hundred dollars to the party that sought the injunction and shall 219
award to that party all court costs and, subject to reduction as 220
described in division (I)(2) of this section, reasonable 221
attorney's fees. The court, in its discretion, may reduce an award 222
of attorney's fees to the party that sought the injunction or not 223
award attorney's fees to that party if the court determines both 224
of the following: 225

(i) That, based on the ordinary application of statutory law 226
and case law as it existed at the time of violation or threatened 227
violation that was the basis of the injunction, a well-informed 228
public body reasonably would believe that the public body was not 229
violating or threatening to violate this section; 230

(ii) That a well-informed public body reasonably would 231

believe that the conduct or threatened conduct that was the basis 232
of the injunction would serve the public policy that underlies the 233
authority that is asserted as permitting that conduct or 234
threatened conduct. 235

(b) If the court of common pleas does not issue an injunction 236
pursuant to division (I)(1) of this section and the court 237
determines at that time that the bringing of the action was 238
frivolous conduct, as defined in division (A) of section 2323.51 239
of the Revised Code, the court shall award to the public body all 240
court costs and reasonable attorney's fees, as determined by the 241
court. 242

(3) Irreparable harm and prejudice to the party that sought 243
the injunction shall be conclusively and irrebuttably presumed 244
upon proof of a violation or threatened violation of this section. 245

(4) A member of a public body who knowingly violates an 246
injunction issued pursuant to division (I)(1) of this section may 247
be removed from office by an action brought in the court of common 248
pleas for that purpose by the prosecuting attorney or the attorney 249
general. 250

(J)(1) Pursuant to division (C) of section 5901.09 of the 251
Revised Code, a veterans service commission shall hold an 252
executive session for one or more of the following purposes unless 253
an applicant requests a public hearing: 254

(a) Interviewing an applicant for financial assistance under 255
sections 5901.01 to 5901.15 of the Revised Code; 256

(b) Discussing applications, statements, and other documents 257
described in division (B) of section 5901.09 of the Revised Code; 258

(c) Reviewing matters relating to an applicant's request for 259
financial assistance under sections 5901.01 to 5901.15 of the 260
Revised Code. 261

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

(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	292
electrical or steam distribution systems and lines;	293
(d) Airports or landing fields or facilities;	294
(e) Railroads, rapid transit, and other mass transit systems;	295
(f) Off-street parking lots, facilities, or buildings, or	296
on-street parking facilities, or any combination of off-street and	297
on-street parking facilities;	298
(g) Facilities for the care or treatment of the sick or	299
infirm, and for housing the persons providing such care or	300
treatment and their families;	301
(h) Solid waste or hazardous waste collection or disposal	302
facilities, or resource recovery and solid or hazardous waste	303
recycling facilities, or any combination of those facilities;	304
(i) Urban redevelopment projects;	305
(j) Recreational, sports, convention, auditorium, museum,	306
trade show, and other public attraction facilities;	307
(k) Facilities for natural resources exploration,	308
development, recovery, use, and sale;	309
(1) Correctional and detention facilities, including	310
multicounty-municipal jails, and related rehabilitation	311
facilities.	312
(2) Securities issued for the purpose of purchasing,	313
constructing, improving, or extending water or sanitary or surface	314
and storm water sewerage systems or facilities, or a combination	315
of those systems or facilities, to the extent that an agreement	316
entered into with another subdivision requires the other	317
subdivision to pay to the municipal corporation amounts equivalent	318
to debt charges on the securities;	319
(3) Securities issued under order of the director of health	320

or director of environmental protection under section 6109.18 of	321
the Revised Code;	322
(4) Securities issued under Section 3, 10, or 12 of Article	323
XVIII, Ohio Constitution;	324
(5) Securities that are not general obligations of the	325
municipal corporation;	326
(6) Voted securities issued for the purposes of urban	327
redevelopment to the extent that their principal amount does not	328
exceed an amount equal to two per cent of the tax valuation of the	329
municipal corporation;	330
(7) Unvoted general obligation securities to the extent that	331
the legislation authorizing them includes covenants to appropriate	332
annually from lawfully available municipal income taxes or other	333
municipal excises or taxes, including taxes referred to in section	334
701.06 of the Revised Code but not including ad valorem property	335
taxes, and to continue to levy and collect those municipal income	336
taxes or other applicable excises or taxes in, amounts necessary	337
to meet the debt charges on those securities, which covenants are	338
hereby authorized;	339
(8) Self-supporting securities issued prior to July 1, 1977,	340
under this chapter for the purpose of municipal university	341
residence halls to the extent that revenues of the successor state	342
university allocated to debt charges on those securities, from	343
sources other than municipal excises and taxes, are sufficient to	344
pay those debt charges;	345
(9) Securities issued for the purpose of acquiring or	346
constructing roads, highways, bridges, or viaducts, for the	347
purpose of acquiring or making other highway permanent	348
improvements, or for the purpose of procuring and maintaining	349
computer systems for the office of the clerk of the municipal	350
court to the extent that the legislation authorizing the issuance	351

of the securities includes a covenant to appropriate from money 352
distributed to the municipal corporation pursuant to Chapter 353
4501., 4503., 4504., or 5735. of the Revised Code a sufficient 354
amount to cover debt charges on and financing costs relating to 355
the securities as they become due; 356

(10) Securities issued for the purpose of providing some or 357
all of the funds required to satisfy the municipal corporation's 358
obligation under an agreement with the board of trustees of the 359
Ohio police and fire pension fund under section 742.30 of the 360
Revised Code; 361

(11) Securities issued for the acquisition, construction, 362
equipping, and improving of a municipal educational and cultural 363
facility under division (B)(2) of section 307.672 of the Revised 364
Code; 365

(12) Securities issued for energy conservation measures under 366
section 717.02 of the Revised Code; 367

(13) Securities that are obligations issued to pay costs of a 368
sports facility under section 307.673 of the Revised Code. 369

(C) In calculating the net indebtedness of a municipal 370
corporation, no obligation incurred under ~~division (C) of section~~ 371
~~749.08~~ 749.081 of the Revised Code shall be considered. 372

Sec. 149.43. (A) As used in this section: 373

(1) "Public record" means records kept by any public office, 374
including, but not limited to, state, county, city, village, 375
township, and school district units, and records pertaining to the 376
delivery of educational services by an alternative school in Ohio 377
kept by a nonprofit or for profit entity operating such 378
alternative school pursuant to section 3313.533 of the Revised 379
Code. "Public record" does not mean any of the following: 380

(a) Medical records; 381

(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	382 383 384
(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;	385 386 387
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	388 389 390
(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;	391 392 393 394 395 396
(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;	397 398 399
(g) Trial preparation records;	400
(h) Confidential law enforcement investigatory records;	401
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	402 403
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	404 405
(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;	406 407 408 409
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department	410 411

of youth services to the department of rehabilitation and	412
correction pursuant to section 5139.05 of the Revised Code;	413
(m) Intellectual property records;	414
(n) Donor profile records;	415
(o) Records maintained by the department of job and family	416
services pursuant to section 3121.894 of the Revised Code;	417
(p) Peace officer, firefighter, or EMT residential and	418
familial information;	419
(q) In the case of a county hospital operated pursuant to	420
Chapter 339. of the Revised Code <u>or a municipal hospital operated</u>	421
<u>pursuant to Chapter 749. of the Revised Code</u> , information that	422
constitutes a trade secret, as defined in section 1333.61 of the	423
Revised Code;	424
(r) Information pertaining to the recreational activities of	425
a person under the age of eighteen;	426
(s) Records provided to, statements made by review board	427
members during meetings of, and all work products of a child	428
fatality review board acting under sections 307.621 to 307.629 of	429
the Revised Code, other than the report prepared pursuant to	430
section 307.626 of the Revised Code;	431
(t) Records provided to and statements made by the executive	432
director of a public children services agency or a prosecuting	433
attorney acting pursuant to section 5153.171 of the Revised Code	434
other than the information released under that section;	435
(u) Test materials, examinations, or evaluation tools used in	436
an examination for licensure as a nursing home administrator that	437
the board of examiners of nursing home administrators administers	438
under section 4751.04 of the Revised Code or contracts under that	439
section with a private or government entity to administer;	440
(v) Records the release of which is prohibited by state or	441

federal law;	442
(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;	443 444 445
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code.	446 447
(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:	448 449 450 451 452
(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;	453 454 455 456
(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity;	457 458 459 460
(c) Specific confidential investigatory techniques or procedures or specific investigatory work product;	461 462
(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.	463 464 465
(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.	466 467 468 469 470
(4) "Trial preparation record" means any record that contains	471

information that is specifically compiled in reasonable 472
anticipation of, or in defense of, a civil or criminal action or 473
proceeding, including the independent thought processes and 474
personal trial preparation of an attorney. 475

(5) "Intellectual property record" means a record, other than 476
a financial or administrative record, that is produced or 477
collected by or for faculty or staff of a state institution of 478
higher learning in the conduct of or as a result of study or 479
research on an educational, commercial, scientific, artistic, 480
technical, or scholarly issue, regardless of whether the study or 481
research was sponsored by the institution alone or in conjunction 482
with a governmental body or private concern, and that has not been 483
publicly released, published, or patented. 484

(6) "Donor profile record" means all records about donors or 485
potential donors to a public institution of higher education 486
except the names and reported addresses of the actual donors and 487
the date, amount, and conditions of the actual donation. 488

(7) "Peace officer, firefighter, or EMT residential and 489
familial information" means either of the following: 490

(a) Any information maintained in a personnel record of a 491
peace officer, firefighter, or EMT that discloses any of the 492
following: 493

(i) The address of the actual personal residence of a peace 494
officer, firefighter, or EMT, except for the state or political 495
subdivision in which the peace officer, firefighter, or EMT 496
resides; 497

(ii) Information compiled from referral to or participation 498
in an employee assistance program; 499

(iii) The social security number, the residential telephone 500
number, any bank account, debit card, charge card, or credit card 501

number, or the emergency telephone number of, or any medical
information pertaining to, a peace officer, firefighter, or EMT;

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

(v) The identity and amount of any charitable or employment
benefit deduction made by the peace officer's, firefighter's, or
EMT's employer from the peace officer's, firefighter's, or EMT's
compensation unless the amount of the deduction is required by
state or federal law;

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

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

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

As used in divisions (A)(7) and (B)(5) of this section,
"firefighter" means any regular, paid or volunteer, member of a
lawfully constituted fire department of a municipal corporation,

township, fire district, or village. 533

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 534
means EMTs-basic, EMTs-I, and paramedics that provide emergency 535
medical services for a public emergency medical service 536
organization. "Emergency medical service organization," 537
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 538
section 4765.01 of the Revised Code. 539

(8) "Information pertaining to the recreational activities of 540
a person under the age of eighteen" means information that is kept 541
in the ordinary course of business by a public office, that 542
pertains to the recreational activities of a person under the age 543
of eighteen years, and that discloses any of the following: 544

(a) The address or telephone number of a person under the age 545
of eighteen or the address or telephone number of that person's 546
parent, guardian, custodian, or emergency contact person; 547

(b) The social security number, birth date, or photographic 548
image of a person under the age of eighteen; 549

(c) Any medical record, history, or information pertaining to 550
a person under the age of eighteen; 551

(d) Any additional information sought or required about a 552
person under the age of eighteen for the purpose of allowing that 553
person to participate in any recreational activity conducted or 554
sponsored by a public office or to use or obtain admission 555
privileges to any recreational facility owned or operated by a 556
public office. 557

(9) "Community control sanction" has the same meaning as in 558
section 2929.01 of the Revised Code. 559

(10) "Post-release control sanction" has the same meaning as 560
in section 2967.01 of the Revised Code. 561

(B)(1) Subject to division (B)(4) of this section, all public 562

records shall be promptly prepared and made available for 563
inspection to any person at all reasonable times during regular 564
business hours. Subject to division (B)(4) of this section, upon 565
request, a public office or person responsible for public records 566
shall make copies available at cost, within a reasonable period of 567
time. In order to facilitate broader access to public records, 568
public offices shall maintain public records in a manner that they 569
can be made available for inspection in accordance with this 570
division. 571

(2) If any person chooses to obtain a copy of a public record 572
in accordance with division (B)(1) of this section, the public 573
office or person responsible for the public record shall permit 574
that person to choose to have the public record duplicated upon 575
paper, upon the same medium upon which the public office or person 576
responsible for the public record keeps it, or upon any other 577
medium upon which the public office or person responsible for the 578
public record determines that it reasonably can be duplicated as 579
an integral part of the normal operations of the public office or 580
person responsible for the public record. When the person seeking 581
the copy makes a choice under this division, the public office or 582
person responsible for the public record shall provide a copy of 583
it in accordance with the choice made by the person seeking the 584
copy. 585

(3) Upon a request made in accordance with division (B)(1) of 586
this section, a public office or person responsible for public 587
records shall transmit a copy of a public record to any person by 588
United States mail within a reasonable period of time after 589
receiving the request for the copy. The public office or person 590
responsible for the public record may require the person making 591
the request to pay in advance the cost of postage and other 592
supplies used in the mailing. 593

Any public office may adopt a policy and procedures that it 594

will follow in transmitting, within a reasonable period of time 595
after receiving a request, copies of public records by United 596
States mail pursuant to this division. A public office that adopts 597
a policy and procedures under this division shall comply with them 598
in performing its duties under this division. 599

In any policy and procedures adopted under this division, a 600
public office may limit the number of records requested by a 601
person that the office will transmit by United States mail to ten 602
per month, unless the person certifies to the office in writing 603
that the person does not intend to use or forward the requested 604
records, or the information contained in them, for commercial 605
purposes. For purposes of this division, "commercial" shall be 606
narrowly construed and does not include reporting or gathering 607
news, reporting or gathering information to assist citizen 608
oversight or understanding of the operation or activities of 609
government, or nonprofit educational research. 610

(4) A public office or person responsible for public records 611
is not required to permit a person who is incarcerated pursuant to 612
a criminal conviction or a juvenile adjudication to inspect or to 613
obtain a copy of any public record concerning a criminal 614
investigation or prosecution or concerning what would be a 615
criminal investigation or prosecution if the subject of the 616
investigation or prosecution were an adult, unless the request to 617
inspect or to obtain a copy of the record is for the purpose of 618
acquiring information that is subject to release as a public 619
record under this section and the judge who imposed the sentence 620
or made the adjudication with respect to the person, or the 621
judge's successor in office, finds that the information sought in 622
the public record is necessary to support what appears to be a 623
justiciable claim of the person. 624

(5) Upon written request made and signed by a journalist on 625
or after December 16, 1999, a public office, or person responsible 626

for public records, having custody of the records of the agency 627
employing a specified peace officer, firefighter, or EMT shall 628
disclose to the journalist the address of the actual personal 629
residence of the peace officer, firefighter or EMT and, if the 630
peace officer's, firefighter's or EMT's spouse, former spouse, or 631
child is employed by a public office, the name and address of the 632
employer of the peace officer's, firefighter's, or EMT's spouse, 633
former spouse, or child. The request shall include the 634
journalist's name and title and the name and address of the 635
journalist's employer and shall state that disclosure of the 636
information sought would be in the public interest. 637

As used in division (B)(5) of this section, "journalist" 638
means a person engaged in, connected with, or employed by any news 639
medium, including a newspaper, magazine, press association, news 640
agency, or wire service, a radio or television station, or a 641
similar medium, for the purpose of gathering, processing, 642
transmitting, compiling, editing, or disseminating information for 643
the general public. 644

(C) If a person allegedly is aggrieved by the failure of a 645
public office to promptly prepare a public record and to make it 646
available to the person for inspection in accordance with division 647
(B) of this section, or if a person who has requested a copy of a 648
public record allegedly is aggrieved by the failure of a public 649
office or the person responsible for the public record to make a 650
copy available to the person allegedly aggrieved in accordance 651
with division (B) of this section, the person allegedly aggrieved 652
may commence a mandamus action to obtain a judgment that orders 653
the public office or the person responsible for the public record 654
to comply with division (B) of this section and that awards 655
reasonable attorney's fees to the person that instituted the 656
mandamus action. The mandamus action may be commenced in the court 657
of common pleas of the county in which division (B) of this 658

section allegedly was not complied with, in the supreme court 659
pursuant to its original jurisdiction under Section 2 of Article 660
IV, Ohio Constitution, or in the court of appeals for the 661
appellate district in which division (B) of this section allegedly 662
was not complied with pursuant to its original jurisdiction under 663
Section 3 of Article IV, Ohio Constitution. 664

(D) Chapter 1347. of the Revised Code does not limit the 665
provisions of this section. 666

(E)(1) The bureau of motor vehicles may adopt rules pursuant 667
to Chapter 119. of the Revised Code to reasonably limit the number 668
of bulk commercial special extraction requests made by a person 669
for the same records or for updated records during a calendar 670
year. The rules may include provisions for charges to be made for 671
bulk commercial special extraction requests for the actual cost of 672
the bureau, plus special extraction costs, plus ten per cent. The 673
bureau may charge for expenses for redacting information, the 674
release of which is prohibited by law. 675

(2) As used in divisions (B)(3) and (E)(1) of this section: 676

(a) "Actual cost" means the cost of depleted supplies, 677
records storage media costs, actual mailing and alternative 678
delivery costs, or other transmitting costs, and any direct 679
equipment operating and maintenance costs, including actual costs 680
paid to private contractors for copying services. 681

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

assurance to the bureau that the person making the request does 690
not intend to use or forward the requested copies for surveys, 691
marketing, solicitation, or resale for commercial purposes. 692

(c) "Commercial" means profit-seeking production, buying, or 693
selling of any good, service, or other product. 694

(d) "Special extraction costs" means the cost of the time 695
spent by the lowest paid employee competent to perform the task, 696
the actual amount paid to outside private contractors employed by 697
the bureau, or the actual cost incurred to create computer 698
programs to make the special extraction. "Special extraction 699
costs" include any charges paid to a public agency for computer or 700
records services. 701

(3) For purposes of divisions (E)(1) and (2) of this section, 702
"commercial surveys, marketing, solicitation, or resale" shall be 703
narrowly construed and does not include reporting or gathering 704
news, reporting or gathering information to assist citizen 705
oversight or understanding of the operation or activities of 706
government, or nonprofit educational research. 707

Sec. 721.15. (A) Personal property not needed for municipal 708
purposes, the estimated value of which is less than one thousand 709
dollars, may be sold by the board or officer having supervision or 710
management of that property. If the estimated value of that 711
property is one thousand dollars or more, it shall be sold only 712
when authorized by an ordinance of the legislative authority of 713
the municipal corporation and approved by the board, officer, or 714
director having supervision or management of that property. When 715
so authorized, the board, officer, or director shall make a 716
written contract with the highest and best bidder after 717
advertisement for not less than two or more than four consecutive 718
weeks in a newspaper of general circulation within the municipal 719
corporation, or with a board of county commissioners upon such 720

lawful terms as are agreed upon, as provided by division (B)(1) of 721
section 721.27 of the Revised Code. 722

(B) When the legislative authority finds, by resolution, that 723
the municipal corporation has vehicles, equipment, or machinery 724
which is obsolete, or is not needed or is unfit for public use, 725
that the municipal corporation has need of other vehicles, 726
equipment, or machinery of the same type, and that it will be in 727
the best interest of the municipal corporation that the sale of 728
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 729
made simultaneously with the purchase of the new vehicles, 730
equipment, or machinery of the same type, the legislative 731
authority may offer to sell, or authorize a board, officer, or 732
director of the municipal corporation having supervision or 733
management of the property to offer to sell, those vehicles, 734
equipment, or machinery and to have the selling price credited 735
against the purchase price of other vehicles, equipment, or 736
machinery and to consummate the sale and purchase by a single 737
contract with the lowest and best bidder to be determined by 738
subtracting from the selling price of the vehicles, equipment, or 739
machinery to be purchased by the municipal corporation the 740
purchase price offered for the municipally-owned vehicles, 741
equipment, or machinery. When the legislative authority or the 742
authorized board, officer, or director of a municipal corporation 743
advertises for bids for the sale of new vehicles, equipment, or 744
machinery to the municipal corporation, they may include in the 745
same advertisement a notice of willingness to accept bids for the 746
purchase of municipally-owned vehicles, equipment, or machinery 747
which is obsolete, or is not needed or is unfit for public use, 748
and to have the amount of those bids subtracted from the selling 749
price as a means of determining the lowest and best bidder. 750

(C) If the legislative authority of the municipal corporation 751
determines that municipal personal property is not needed for 752

public use, or is obsolete or unfit for the use for which it was 753
acquired, and that the property has no value, the legislative 754
authority may discard or salvage that property. 755

(D) Notwithstanding anything to the contrary in division (A) 756
or (B) of this section and regardless of the property's value, the 757
legislative authority of a municipal corporation may sell personal 758
property, including motor vehicles acquired for the use of 759
municipal officers and departments, and road machinery, equipment, 760
tools, or supplies, which is not needed for public use, or is 761
obsolete or unfit for the use for which it was acquired, by 762
internet auction. The legislative authority shall adopt, during 763
each calendar year, a resolution expressing its intent to sell 764
that property by internet auction. The resolution shall include a 765
description of how the auctions will be conducted and shall 766
specify the number of days for bidding on the property, which 767
shall be no less than fifteen days, including Saturdays, Sundays, 768
and legal holidays. The resolution shall indicate whether the 769
municipal corporation will conduct the auction or the legislative 770
authority will contract with a representative to conduct the 771
auction and shall establish the general terms and conditions of 772
sale. If a representative is known when the resolution is adopted, 773
the resolution shall provide contact information such as the 774
representative's name, address, and telephone number. 775

After adoption of the resolution, the legislative authority 776
shall publish, in a newspaper of general circulation in the 777
municipal corporation, notice of its intent to sell unneeded, 778
obsolete, or unfit municipal personal property by internet 779
auction. The notice shall include a summary of the information 780
provided in the resolution and shall be published at least twice. 781
The second and any subsequent notice shall be published not less 782
than ten nor more than twenty days after the previous notice. A 783
similar notice also shall be posted continually throughout the 784

calendar year in a conspicuous place in the offices of the village clerk or city auditor, and the legislative authority, and, if the municipal corporation maintains a website on the internet, the notice shall be posted continually throughout the calendar year at that website.

When the property is to be sold by internet auction, the legislative authority or its representative may establish a minimum price that will be accepted for specific items and may establish any other terms and conditions for the particular sale, including requirements for pick-up or delivery, method of payment, and sales tax. This type of information shall be provided on the internet at the time of the auction and may be provided before that time upon request after the terms and conditions have been determined by the legislative authority or its representative.

Sec. 721.27. (A) The actions specified in division (B) of this section may be taken without competitive bidding as required by sections 721.03 and 721.15 of the Revised Code.

(B) A municipal corporation may, by ordinance, authorize the transfer, lease, or conveyance of any real property, upon which it has acquired, established, erected, or maintained a hospital, together with any personal property suitable for such hospital, to a either of the following:

(1) A board of county commissioners, upon such lawful terms as are agreed upon between the municipal corporation and the board of county commissioners, without competitive bidding as required by section 721.03 and 721.15 of the Revised Code;

(2) Any person for purposes of providing medical services other than hospital services, if the municipal corporation determines that the transfer, lease, or conveyance is reasonably related to the proper operation of the hospital.

Sec. 737.03. The director of public safety shall manage and 815
make all contracts with reference to police stations, fire houses, 816
reform schools, infirmaries, hospitals other than municipal 817
hospitals operated pursuant to Chapter 749. of the Revised Code, 818
workhouses, farms, pesthouses, and all other charitable and 819
reformatory institutions. In the control and supervision of those 820
institutions, the director shall be governed by the provisions of 821
Title VII of the Revised Code relating to those institutions. 822

The director may make all contracts and expenditures of money 823
for acquiring lands for the erection or repairing of station 824
houses, police stations, fire department buildings, fire cisterns, 825
and plugs, that are required, for the purchase of engines, 826
apparatus, and all other supplies necessary for the police and 827
fire departments, and for other undertakings and departments under 828
the director's supervision, but no obligation involving an 829
expenditure of more than twenty-five thousand dollars shall be 830
created unless first authorized and directed by ordinance. In 831
making, altering, or modifying those contracts, the director shall 832
be governed by sections 735.05 to 735.09 of the Revised Code, 833
except that all bids shall be filed with and opened by the 834
director. The director shall make no sale or disposition of any 835
property belonging to the city without first being authorized by 836
resolution or ordinance of the city legislative authority. 837

Sec. 749.02. The legislative authority of a municipal 838
corporation may agree with a corporation organized for charitable 839
purposes and not for profit, for the erection and management of a 840
hospital suitably located for the treatment of the sick and 841
disabled of such municipal corporation, or for an addition to such 842
hospital, and for a permanent interest therein to such extent and 843
upon such terms as are agreed upon between them, and the 844
legislative authority shall provide for the payment of the amount 845

agreed upon for such interest, either in one payment or in annual 846
installments, as is agreed upon. 847

Such agreement shall not become operative until approved by a 848
vote of the electors of the municipal corporation as provided in 849
section ~~749.03~~ 749.021 of the Revised Code. 850

Sec. ~~749.03~~ 749.021. Upon the execution of the agreement 851
provided for in section 749.02 of the Revised Code the legislative 852
authority of the municipal corporation shall submit to the 853
electors thereof, at the next general election occurring not less 854
than seventy-five days after the certification of the resolution 855
to the board of elections, the question of the ratification of 856
such agreement, and if the sum to be paid by the municipal 857
corporation under the terms of such agreement is not available 858
from current general revenues thereof, the legislative authority 859
shall also submit to the electors, at the same election, the 860
question of the issue of bonds of the municipal corporation in the 861
amount specified in such agreement for the purpose of providing 862
funds for the payment of such sum. The proceedings in the matter 863
of such election and in the issuance and sale of such bonds shall 864
be as provided by law for municipal bonds. Such agreement shall 865
not be effective, and no bonds shall be issued, unless the 866
electors approve of both the agreement and the bond issue, if the 867
question of the issue of bonds is so submitted. 868

Sec. 749.03. (A) As used in this section, "health facility" 869
means both of the following: 870

(1) A hospital, as defined in section 3727.01 of the Revised 871
Code; 872

(2) A facility other than a hospital, as defined in section 873
3727.01 of the Revised Code, where medical care and preventive, 874
diagnostic, therapeutic, rehabilitative, or palliative items or 875

services are provided to outpatients by or under the direction of
a physician or dentist.

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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 a 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 health facility may include office
space for physicians. The facility shall be operated pursuant to
the law that regulates the operation of the hospital.

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(C) When a proposal to establish a health facility in another
municipal corporation is made by a board of hospital
commissioners, all of the following apply:

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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
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

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municipal corporation, not later than twenty days after receiving 907
a resolution of objection from the other legislative authority 908
pursuant to division (B)(1) of this section, adopts a resolution 909
denying the board the right to establish the facility. 910

(3) If the legislative authority of a municipal corporation 911
provides a subsidy for uncompensated care to a board of hospital 912
commissioners, the board may establish and operate the health 913
facility only if that legislative authority approves the 914
establishment of the facility. 915

Sec. 749.08. (A) The board of hospital commissioners shall 916
have the entire management and control of a hospital erected under 917
sections 749.02 to 749.14 of the Revised Code, when completed and 918
ready for use, and shall assume and continue the operation of the 919
hospital. Subject to the ordinances of the legislative authority 920
of the municipal corporation, the board shall establish rules for 921
the hospital's government, and the admission of persons to its 922
privileges, as are expedient. 923

(B) The board has control of the property of the hospital. 924
The board's control of property includes acquiring, holding, 925
possessing, managing, and disposing of real and personal property. 926

(C) The board may enter into contracts with any person or 927
government entity. No member of the board shall be interested, 928
directly or indirectly, in any contract concerning the hospital. 929

(D)(1) The board has control of all funds used in the 930
hospital's operation, including moneys received from the operation 931
of the hospital, moneys appropriated for its operation by the 932
legislative authority of the municipal corporation, and moneys 933
resulting from special levies submitted by the legislative 934
authority for operation of the hospital. Of those funds, all or 935
part of any amount determined not to be necessary to meet current 936

demands on the hospital may be invested by the board or its 937
designee in any classifications of securities and obligations 938
eligible for deposit or investment of moneys pursuant to section 939
135.14 of the Revised Code, subject to the approval of the board's 940
written investment policy by the legislative authority of the 941
municipal corporation. 942

(2) Each disbursement of funds shall be made on a voucher 943
signed by signatories designated and approved by the board. 944

(3) Unless an expenditure is first authorized by the board, 945
no money shall be paid for any of the following: 946

(a) The erection, rebuilding, or repair of the hospital; 947

(b) An addition to the hospital; 948

(c) Supplies for the hospital; 949

(d) Replacement of necessary equipment for the hospital; 950

(e) Acquisition, leasing, or construction of permanent 951
improvements to hospital property; 952

(f) Donations authorized under division (H) of this section; 953

(g) Any other use or purpose related to the hospital. 954

(E) For the use and benefit of the hospital, the board may 955
take and hold in trust any grant or devise of land and any 956
donation or bequest of money or other personal property. 957

(F) With respect to taking title to or a leasehold interest 958
in property on behalf of the hospital, both of the following 959
apply: 960

(1) The title to or leasehold interest in the property may be 961
taken in the name of the board or an entity organized for 962
charitable purposes that is under the board's control. 963

(2) If a transaction occurs or has occurred in which the 964
title to or leasehold interest in the property was taken in the 965

name of the legislative authority of the municipality, the title 966
to or leasehold interest in the property may be conveyed to the 967
board or an entity organized for charitable purposes that is under 968
the board's control. 969

(G) When the legislative authority of a municipal corporation 970
acquires property for purposes of the hospital, an easement may be 971
acquired in the name of the board. 972

(H) For the public purpose of improving the health, safety, 973
and general welfare of the community, the board of hospital 974
commissioners may donate to a nonprofit entity any of the 975
following: 976

(1) Moneys and other financial assets determined not to be 977
necessary to meet current demands on the hospital; 978

(2) Surplus hospital property, including supplies, equipment, 979
office facilities, and other property; 980

(3) Services rendered by the hospital. 981

Sec. 749.08 749.081. (A) For purposes of this section: 982

(1) "Bank" has the same meaning as in section 1101.01 of the 983
Revised Code. 984

(2) "Savings and loan association" has the same meaning as in 985
section 1151.01 of the Revised Code. 986

(3) "Savings bank" has the same meaning as in section 1161.01 987
of the Revised Code. 988

~~(B) No money shall be paid for the erection, rebuilding, or~~ 989
~~repair of a hospital, or for any addition thereto, or for supplies~~ 990
~~therefor, unless such expenditure is first authorized by the board~~ 991
~~of hospital commissioners, and upon the warrant of the proper~~ 992
~~officer of the municipal corporation. No member of the board shall~~ 993
~~be interested, directly or indirectly, in any contract concerning~~ 994

~~such hospital.~~ 995

~~(C)~~ The board of hospital commissioners may enter into a 996
contract for a secured line of credit with a bank, savings and 997
loan association, or savings bank if the contract meets all of the 998
following requirements: 999

(1) The term of the contract does not exceed one hundred 1000
eighty days; 1001

(2) The board's secured line of credit does not exceed five 1002
hundred thousand dollars; 1003

(3) The contract provides that any amount extended must be 1004
repaid in full before any additional credit can be extended; 1005

(4) The contract provides that the bank, savings and loan 1006
association, or savings bank shall not commence a civil action 1007
against the legislative authority of a municipal corporation or 1008
any member thereof, or the municipal corporation to recover the 1009
principal, interest, or any charges or other amounts that remain 1010
outstanding on the secured line of credit at the time of any 1011
default by the board of hospital commissioners; 1012

(5) The contract provides that no assets other than those of 1013
the hospital can be used to secure the line of credit; 1014

(6) The terms and conditions of the contract comply with all 1015
state and federal statutes and rules governing the extension of a 1016
secured line of credit. 1017

~~(D)~~(C) Any obligation incurred by a board of hospital 1018
commissioners under division ~~(C)~~(B) of this section is an 1019
obligation of that board only and not a general obligation of the 1020
legislative authority of a municipal corporation or the municipal 1021
corporation within the meaning of division (Q) of section 133.01 1022
of the Revised Code. 1023

~~(E)~~(D) No board of hospital commissioners shall at any time 1024

have more than one secured line of credit under division (B) of 1025
this section. 1026

~~Sec. 749.15 749.082.~~ (A) ~~The director of public safety shall~~ 1027
~~have the entire management and control following apply to the~~ 1028
~~board of hospital commissioners in relation to its employees and~~ 1029
~~the employees~~ of a hospital erected under sections 749.02 to 1030
749.14 of the Revised Code, ~~when completed and ready for use, and,~~ 1031
subject to the ordinances of the legislative authority of the 1032
city, ~~shall establish rules for its government, and the admission~~ 1033
~~of persons to its privileges, as he deems expedient. The director~~ 1034
~~may employ a superintendent, steward, physicians, nurses, and such~~ 1035
~~other employees as are necessary, and fix the compensation of all~~ 1036
~~such persons, which compensation shall be subject to the approval~~ 1037
~~of the legislative authority. The director with the approval of~~ 1038
~~the mayor may also employ counsel to bring legal action for the~~ 1039
~~collection of delinquent accounts.~~ 1040

~~(B) The director of public safety municipal corporation:~~ 1041

~~(1) The board may adopt the wage and salary schedule for~~ 1042
~~employees.~~ 1043

~~(2) The board may employ the hospital's administrator~~ 1044
~~pursuant to section 749.083 of the Revised Code, and the~~ 1045
~~administrator may employ individuals for the hospital in~~ 1046
~~accordance with that section.~~ 1047

~~(3) The board may employ assistants as necessary to perform~~ 1048
~~its clerical work, superintend properly the construction of the~~ 1049
~~hospital, and pay the hospital's expenses. The employees may be~~ 1050
~~paid from funds provided for the hospital.~~ 1051

~~(4) The board may enter into a contract with an employer or~~ 1052
~~other entity whereby the services of any employee of the board or~~ 1053
~~hospital are rendered to or on behalf of the employer or other~~ 1054

entity for a fee paid to the board or hospital. 1055

~~(5) The board~~ may grant to employees ~~of a hospital erected~~ 1056
~~under sections 749.02 to 749.14 of the Revised Code any of the~~ 1057
~~following as he~~ fringe benefits the board determines to be 1058
customary and usual in the nonprofit hospital field in the 1059
community, including the following: 1060

~~(1)(a)~~ Additional vacation leave with full pay for full-time 1061
employees, including hourly rate employees, after service of one 1062
year; 1063

~~(2)(b)~~ Vacation leave and holiday pay for part-time employees 1064
on a pro rata basis; 1065

~~(3)(c)~~ Leave with full pay, which shall not be deducted from 1066
the employee's accumulated sick leave, due to death in the 1067
employee's immediate family; 1068

~~(4)(d)~~ Moving expenses for new employees; 1069

~~(5)(e)~~ Premium pay for working on holidays observed by other 1070
municipal agencies; 1071

~~(6)(f)~~ Discounts on purchases from the hospital pharmacy. 1072

~~The director~~ (6) The board may provide holiday leave by 1073
observing Martin Luther King day, Washington-Lincoln day, Columbus 1074
day, and Veterans' day on days other than those specified in 1075
section 1.14 of the Revised Code. 1076

(7) The board may grant to employees the insurance benefits 1077
authorized by division (B) of this section. 1078

(8) The board may provide employee recognition awards and may 1079
hold employee recognition dinners. ~~The director~~ 1080

(9) The board may provide scholarships for education in the 1081
health care professions, tuition reimbursement, and other staff 1082
development programs for the purpose of recruiting or retaining 1083

qualified employees. The 1084

(10) The board may pay reasonable expenses for recruiting 1085
physicians into the city or for retaining them if all or part of 1086
the city has been designated as an area with a shortage of 1087
personal health services under the "Health Maintenance 1088
Organization Act of 1973," 87 Stat. 914, 42 U.S.C. 300e, as 1089
amended. 1090

(B)(1) The board of hospital commissioners may contract for, 1091
purchase, or otherwise procure on behalf of any or all of its 1092
employees, the employees of the hospital, or such employees and 1093
their immediate dependents the following types of fringe benefits: 1094

(a) Group or individual insurance contracts which may include 1095
life, sickness, accident, disability, annuities, endowment, 1096
health, medical expense, hospital, dental, surgical and related 1097
coverage or any combination thereof; 1098

(b) Group or individual contracts with health insuring 1099
corporations or other providers of professional services, care, or 1100
benefits duly authorized to do business in this state. 1101

(2) The board of hospital commissioners may contract for, 1102
purchase, or otherwise procure insurance contracts which provide 1103
protection for the commissioners, the board's employees, and the 1104
employees of the hospital against liability, including 1105
professional liability, provided that this section or any 1106
insurance contract issued pursuant to this section shall not be 1107
construed as a waiver of or in any manner affect the immunity of 1108
the hospital or municipal corporation. 1109

(3) All or any portion of the cost, premium, fees, or charges 1110
for the insurance benefits specified in divisions (B)(1) and (2) 1111
of this section may be paid in such manner or combination of 1112
manners as the board may determine, including direct payment by an 1113
employee, and, if authorized in writing by an employee, by the 1114

board with moneys made available by deduction from or reduction in 1115
salary or wages or by the foregoing of a salary or wage increase. 1116

Notwithstanding sections 3917.01 and 3917.06 of the Revised 1117
Code, the board may purchase group life insurance authorized by 1118
this section by reason of payment of premiums therefor by the 1119
board from its funds, and such group life insurance may be issued 1120
and purchased if otherwise consistent with sections 3917.01 to 1121
3917.06 of the Revised Code. 1122

(C) The board with the approval of the legislative authority 1123
may retain counsel to bring actions for the collection of 1124
delinquent accounts. 1125

Sec. 749.083. (A) The board of hospital commissioners shall 1126
provide for the administration of the hospital by directly 1127
employing a hospital administrator or by entering into a contract 1128
for the management of the hospital under which an administrator is 1129
provided. When an administrator is employed directly, the board 1130
shall adopt a job description delineating the administrator's 1131
powers and duties and the board may pay the administrator's salary 1132
and other benefits from funds provided for the hospital. 1133

(B) During the construction and equipping of the hospital, 1134
the administrator shall act in an advisory capacity to the board. 1135
After the hospital is completed, the administrator shall serve as 1136
the chief executive officer and shall carry out the administration 1137
of the hospital according to the policies set forth by the board. 1138

The administrator shall administer the hospital, make 1139
reports, and take any other action that the administrator 1140
determines is necessary for the operation of the hospital. 1141

At the end of each fiscal year, the administrator shall 1142
submit to the board a complete financial statement showing the 1143
receipts, revenues, and expenditures in detail for the entire 1144

fiscal year. 1145

The administrator shall ensure that the hospital has such 1146
physicians, nurses, and other employees as are necessary for the 1147
proper care, control, and management of the hospital and its 1148
patients. The physicians, nurses, and other employees may be 1149
suspended or removed by the administrator at any time the welfare 1150
of the hospital warrants suspension or removal. The administrator 1151
may obtain physicians, nurses, and other employees by direct 1152
employment, entering into contracts, or granting authority to 1153
practice in the hospital. 1154

Sec. 749.084. The board of hospital commissioners may do any 1155
of the following if the board determines that the action is 1156
reasonably related to the operation of the hospital: 1157

(A) Construct an addition to the hospital under the powers 1158
vested the board under section 749.04 of the Revised Code; 1159

(B) Acquire an existing structure for the purpose of leasing 1160
office space to local physicians; 1161

(C) Lease real property to any person to construct facilities 1162
for providing medical services other than inpatient hospital 1163
services or otherwise lease or convey interests in real estate for 1164
providing medical services other than inpatient hospital services. 1165

Sec. 749.10. All contracts for the erection of a hospital 1166
building shall be made in the name of the municipal corporation or 1167
the board of hospital commissioners, and it shall be stipulated 1168
therein that the contractor will not execute any extra work, or 1169
make any modifications or alterations mentioned in the 1170
specifications and plans, unless ordered in writing by the board 1171
of hospital commissioners, that ~~he~~ the contractor will not claim 1172
any pay therefor unless such written order is given, and the 1173
additional compensation fixed and agreed upon. Copies of the plans 1174

and drawings, attested by the contractor, and the original bids, 1175
specifications, and contracts shall be deposited in the office of 1176
the clerk of the municipal corporation. 1177

Sec. 749.18. Where an agreement under section 749.16 of the 1178
Revised Code concerns or includes participation of a joint 1179
township hospital district, or of a county, in the maintenance and 1180
operation of a municipal hospital, the municipal corporation may 1181
establish a board of governors to exercise, subject to such 1182
further limitations as are imposed by the agreement, the powers 1183
vested ~~under section 749.15 of the Revised Code in the director of~~ 1184
~~public safety~~ board of hospital commissioners, provided that any 1185
such limitations shall not deny the board of governors the 1186
authority to ~~employ~~ retain counsel, to institute legal action in 1187
its own name, or to employ any other lawful means, for the 1188
collection of delinquent accounts. The board may include in its 1189
membership such representatives of the participating district, or 1190
of the county, as are provided for in such agreement. The 1191
municipal members of the board shall consist of the mayor, who by 1192
virtue of ~~his~~ that office shall be its president, and four 1193
resident freeholders of the municipal corporation, at least one of 1194
whom shall be a doctor of medicine, to be appointed by the mayor 1195
with the consent of the legislative authority. The term of office 1196
of such municipal members shall be as provided in section 749.05 1197
of the Revised Code. The board shall, subject to the terms of the 1198
agreement, establish such regulations and elect such officers, 1199
other than president, as its members determine. The members shall 1200
be entitled to such compensation for their services as is provided 1201
by the agreement. 1202

Sec. 749.24. The board of hospital trustees shall, subject to 1203
any ordinance of the municipal corporation, have the entire 1204
management and control of the property or funds mentioned in 1205

section 749.20 of the Revised Code, and shall establish such rules 1206
for the government thereof as it deems expedient. Such board shall 1207
also have the entire control of the expenditure of all moneys 1208
therefrom and they shall be disbursed by the treasurer of the 1209
municipal corporation only upon the warrant of the municipal 1210
auditor or clerk, drawn in accordance with the order of such 1211
board. 1212

The board may apply, control, invest, and reinvest the funds 1213
coming or arising from any gift, devise, or ~~request~~ bequest 1214
according to the terms on which it was acquired. 1215

Sec. 749.33. The board of hospital trustees may employ such 1216
~~superintendents, physicians, nurses, and other~~ employees as are 1217
necessary for the execution of its duties and fix their 1218
compensation. Any of such persons may be removed by the board at 1219
any time. The board may provide to its employees such of the 1220
benefits, awards, and staff development programs listed in section 1221
~~749.15~~ 749.082 of the Revised Code as the board determines to be 1222
customary and usual in the nonprofit hospital field in its 1223
community. 1224

Sec. 749.37. Notwithstanding any conflicting provision of 1225
sections 749.09 to 749.14 and 749.26 to 749.31 of the Revised 1226
Code, Chapter 153. of the Revised Code, or any other competitive 1227
bidding requirement specified in the Revised Code that requires a 1228
public authority to enter into separate contracts for the design 1229
and construction of a public improvement, a board of hospital 1230
commissioners or a board of hospital trustees may enter into a 1231
single contract under which the entity awarded the contract is 1232
responsible for providing both design and construction services 1233
related to the erection of a hospital, any addition to the 1234
hospital, or any other improvement to the hospital or its 1235
properties involving alteration, repair, replacement, renovation, 1236

installation, or demolition. This section does not otherwise alter 1237
the competitive bidding requirements that apply to the board when 1238
entering into a contract for a public improvement. 1239

Sec. 751.07. In the management of a city infirmary, in the 1240
care and treatment of the inmates thereof, and in the erection, 1241
enlargement, or repair of any building for infirmary purposes, or 1242
of any addition thereto, the director of public safety shall have 1243
the same powers, be governed by the same regulations, and perform 1244
the same duties, as far as applicable, as are vested in ~~him~~ a 1245
board of hospital commissioners established under section 749.04 1246
of the Revised Code in relation to municipal hospitals. The power 1247
of the legislative authority in relation thereto shall be the 1248
same, so far as applicable, as provided to the legislative 1249
authority by sections 749.01 to 749.34, ~~inclusive,~~ of the Revised 1250
Code, in relation to hospitals. 1251

Sec. 2744.01. As used in this chapter: 1252

(A) "Emergency call" means a call to duty, including, but not 1253
limited to, communications from citizens, police dispatches, and 1254
personal observations by peace officers of inherently dangerous 1255
situations that demand an immediate response on the part of a 1256
peace officer. 1257

(B) "Employee" means an officer, agent, employee, or servant, 1258
whether or not compensated or full-time or part-time, who is 1259
authorized to act and is acting within the scope of the officer's, 1260
agent's, employee's, or servant's employment for a political 1261
subdivision. "Employee" does not include an independent contractor 1262
and does not include any individual engaged by a school district 1263
pursuant to section 3319.301 of the Revised Code. "Employee" 1264
includes any elected or appointed official of a political 1265
subdivision. "Employee" also includes a person who has been 1266

convicted of or pleaded guilty to a criminal offense and who has
been sentenced to perform community service work in a political
subdivision whether pursuant to section 2951.02 of the Revised
Code or otherwise, and a child who is found to be a delinquent
child and who is ordered by a juvenile court pursuant to section
2152.19 or 2152.20 of the Revised Code to perform community
service or community work in a political subdivision.

(C)(1) "Governmental function" means a function of a
political subdivision that is specified in division (C)(2) of this
section or that satisfies any of the following:

(a) A function that is imposed upon the state as an
obligation of sovereignty and that is performed by a political
subdivision voluntarily or pursuant to legislative requirement;

(b) A function that is for the common good of all citizens of
the state;

(c) A function that promotes or preserves the public peace,
health, safety, or welfare; that involves activities that are not
engaged in or not customarily engaged in by nongovernmental
persons; and that is not specified in division (G)(2) of this
section as a proprietary function.

(2) A "governmental function" includes, but is not limited
to, the following:

(a) The provision or nonprovision of police, fire, emergency
medical, ambulance, and rescue services or protection;

(b) The power to preserve the peace; to prevent and suppress
riots, disturbances, and disorderly assemblages; to prevent,
mitigate, and clean up releases of oil and hazardous and extremely
hazardous substances as defined in section 3750.01 of the Revised
Code; and to protect persons and property;

(c) The provision of a system of public education;

(d) The provision of a free public library system;	1297
(e) The regulation of the use of, and the maintenance and repair of, roads, highways, streets, avenues, alleys, sidewalks, bridges, aqueducts, viaducts, and public grounds;	1298 1299 1300
(f) Judicial, quasi-judicial, prosecutorial, legislative, and quasi-legislative functions;	1301 1302
(g) The construction, reconstruction, repair, renovation, maintenance, and operation of buildings that are used in connection with the performance of a governmental function, including, but not limited to, office buildings and courthouses;	1303 1304 1305 1306
(h) The design, construction, reconstruction, renovation, repair, maintenance, and operation of jails, places of juvenile detention, workhouses, or any other detention facility, as defined in section 2921.01 of the Revised Code;	1307 1308 1309 1310
(i) The enforcement or nonperformance of any law;	1311
(j) The regulation of traffic, and the erection or nonerection of traffic signs, signals, or control devices;	1312 1313
(k) The collection and disposal of solid wastes, as defined in section 3734.01 of the Revised Code, including, but not limited to, the operation of solid waste disposal facilities, as "facilities" is defined in that section, and the collection and management of hazardous waste generated by households. As used in division (C)(2)(k) of this section, "hazardous waste generated by households" means solid waste originally generated by individual households that is listed specifically as hazardous waste in or exhibits one or more characteristics of hazardous waste as defined by rules adopted under section 3734.12 of the Revised Code, but that is excluded from regulation as a hazardous waste by those rules.	1314 1315 1316 1317 1318 1319 1320 1321 1322 1323 1324 1325
(l) The provision or nonprovision, planning or design,	1326

construction, or reconstruction of a public improvement,	1327
including, but not limited to, a sewer system;	1328
(m) The operation of a job and family services department or	1329
agency, including, but not limited to, the provision of assistance	1330
to aged and infirm persons and to persons who are indigent;	1331
(n) The operation of a health board, department, or agency,	1332
including, but not limited to, any statutorily required or	1333
permissive program for the provision of immunizations or other	1334
inoculations to all or some members of the public, provided that a	1335
"governmental function" does not include the supply, manufacture,	1336
distribution, or development of any drug or vaccine employed in	1337
any such immunization or inoculation program by any supplier,	1338
manufacturer, distributor, or developer of the drug or vaccine;	1339
(o) The operation of mental health facilities, mental	1340
retardation or developmental disabilities facilities, alcohol	1341
treatment and control centers, and children's homes or agencies;	1342
(p) The provision or nonprovision of inspection services of	1343
all types, including, but not limited to, inspections in	1344
connection with building, zoning, sanitation, fire, plumbing, and	1345
electrical codes, and the taking of actions in connection with	1346
those types of codes, including, but not limited to, the approval	1347
of plans for the construction of buildings or structures and the	1348
issuance or revocation of building permits or stop work orders in	1349
connection with buildings or structures;	1350
(q) Urban renewal projects and the elimination of slum	1351
conditions;	1352
(r) Flood control measures;	1353
(s) The design, construction, reconstruction, renovation,	1354
operation, care, repair, and maintenance of a township cemetery;	1355
(t) The issuance of revenue obligations under section 140.06	1356

of the Revised Code;	1357
(u) The design, construction, reconstruction, renovation,	1358
repair, maintenance, and operation of any school athletic	1359
facility, school auditorium, or gymnasium or any recreational area	1360
or facility, including, but not limited to, any of the following:	1361
(i) A park, playground, or playfield;	1362
(ii) An indoor recreational facility;	1363
(iii) A zoo or zoological park;	1364
(iv) A bath, swimming pool, pond, water park, wading pool,	1365
wave pool, water slide, or other type of aquatic facility;	1366
(v) A golf course;	1367
(vi) A bicycle motocross facility or other type of	1368
recreational area or facility in which bicycling, skating, skate	1369
boarding, or scooter riding is engaged;	1370
(vii) A rope course or climbing walls;	1371
(viii) An all-purpose vehicle facility in which all-purpose	1372
vehicles, as defined in section 4519.01 of the Revised Code, are	1373
contained, maintained, or operated for recreational activities.	1374
(v) The provision of public defender services by a county or	1375
joint county public defender's office pursuant to Chapter 120. of	1376
the Revised Code;	1377
(w)(i) At any time before regulations prescribed pursuant to	1378
49 U.S.C.A 20153 become effective, the designation, establishment,	1379
design, construction, implementation, operation, repair, or	1380
maintenance of a public road rail crossing in a zone within a	1381
municipal corporation in which, by ordinance, the legislative	1382
authority of the municipal corporation regulates the sounding of	1383
locomotive horns, whistles, or bells;	1384
(ii) On and after the effective date of regulations	1385

prescribed pursuant to 49 U.S.C.A. 20153, the designation, 1386
establishment, design, construction, implementation, operation, 1387
repair, or maintenance of a public road rail crossing in such a 1388
zone or of a supplementary safety measure, as defined in 49 1389
U.S.C.A 20153, at or for a public road rail crossing, if and to 1390
the extent that the public road rail crossing is excepted, 1391
pursuant to subsection (c) of that section, from the requirement 1392
of the regulations prescribed under subsection (b) of that 1393
section. 1394

(x) A function that the general assembly mandates a political 1395
subdivision to perform. 1396

(D) "Law" means any provision of the constitution, statutes, 1397
or rules of the United States or of this state; provisions of 1398
charters, ordinances, resolutions, and rules of political 1399
subdivisions; and written policies adopted by boards of education. 1400
When used in connection with the "common law," this definition 1401
does not apply. 1402

(E) "Motor vehicle" has the same meaning as in section 1403
4511.01 of the Revised Code. 1404

(F) "Political subdivision" or "subdivision" means a 1405
municipal corporation, township, county, school district, or other 1406
body corporate and politic responsible for governmental activities 1407
in a geographic area smaller than that of the state. "Political 1408
subdivision" includes, but is not limited to, a county hospital 1409
commission appointed under section 339.14 of the Revised Code, 1410
board of hospital commissioners appointed for a municipal hospital 1411
under section 749.04 of the Revised Code, board of hospital 1412
trustees appointed for a municipal hospital under section 749.22 1413
of the Revised Code, regional planning commission created pursuant 1414
to section 713.21 of the Revised Code, county planning commission 1415
created pursuant to section 713.22 of the Revised Code, joint 1416

planning council created pursuant to section 713.231 of the Revised Code, interstate regional planning commission created pursuant to section 713.30 of the Revised Code, port authority created pursuant to section 4582.02 or 4582.26 of the Revised Code or in existence on December 16, 1964, regional council established by political subdivisions pursuant to Chapter 167. of the Revised Code, emergency planning district and joint emergency planning district designated under section 3750.03 of the Revised Code, joint emergency medical services district created pursuant to section 307.052 of the Revised Code, fire and ambulance district created pursuant to section 505.375 of the Revised Code, joint interstate emergency planning district established by an agreement entered into under that section, county solid waste management district and joint solid waste management district established under section 343.01 or 343.012 of the Revised Code, and community school established under Chapter 3314. of the Revised Code.

(G)(1) "Proprietary function" means a function of a political subdivision that is specified in division (G)(2) of this section or that satisfies both of the following:

(a) The function is not one described in division (C)(1)(a) or (b) of this section and is not one specified in division (C)(2) of this section;

(b) The function is one that promotes or preserves the public peace, health, safety, or welfare and that involves activities that are customarily engaged in by nongovernmental persons.

(2) A "proprietary function" includes, but is not limited to, the following:

(a) The operation of a hospital by one or more political subdivisions;

(b) The design, construction, reconstruction, renovation, repair, maintenance, and operation of a public cemetery other than

a township cemetery; 1448

(c) The establishment, maintenance, and operation of a 1449
utility, including, but not limited to, a light, gas, power, or 1450
heat plant, a railroad, a busline or other transit company, an 1451
airport, and a municipal corporation water supply system; 1452

(d) The maintenance, destruction, operation, and upkeep of a 1453
sewer system; 1454

(e) The operation and control of a public stadium, 1455
auditorium, civic or social center, exhibition hall, arts and 1456
crafts center, band or orchestra, or off-street parking facility. 1457

(H) "Public roads" means public roads, highways, streets, 1458
avenues, alleys, and bridges within a political subdivision. 1459
"Public roads" does not include berms, shoulders, rights-of-way, 1460
or traffic control devices unless the traffic control devices are 1461
mandated by the Ohio manual of uniform traffic control devices. 1462

(I) "State" means the state of Ohio, including, but not 1463
limited to, the general assembly, the supreme court, the offices 1464
of all elected state officers, and all departments, boards, 1465
offices, commissions, agencies, colleges and universities, 1466
institutions, and other instrumentalities of the state of Ohio. 1467
"State" does not include political subdivisions. 1468

Sec. 3702.62. (A) Any action pursuant to section 140.03, 1469
140.04, 140.05, 307.091, 313.21, 339.01, 339.021, 339.03, 339.06, 1470
339.08, 339.09, 339.12, 339.14, 513.05, 513.07, 513.08, 513.081, 1471
513.12, 513.15, 513.17, 513.171, 749.02, 749.03, 749.14, 749.16, 1472
749.20, 749.25, 749.28, 749.35, 1751.06, or 3707.29 of the Revised 1473
Code shall be taken in accordance with sections 3702.51 to 3702.61 1474
of the Revised Code. 1475

(B) A nursing home certified as an intermediate care facility 1476
for the mentally retarded under Title XIX of the "Social Security 1477

Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, that is 1478
required to apply for licensure as a residential facility under 1479
section 5123.19 of the Revised Code is not, with respect to the 1480
portion of the home certified as an intermediate care facility for 1481
the mentally retarded, subject to sections 3702.51 to 3702.61 of 1482
the Revised Code. 1483

Sec. 4115.04. (A) Every public authority authorized to 1484
contract for or construct with its own forces a public 1485
improvement, before advertising for bids or undertaking such 1486
construction with its own forces, shall have the director of 1487
commerce determine the prevailing rates of wages of mechanics and 1488
laborers in accordance with section 4115.05 of the Revised Code 1489
for the class of work called for by the public improvement, in the 1490
locality where the work is to be performed. Such schedule of wages 1491
shall be attached to and made part of the specifications for the 1492
work, and shall be printed on the bidding blanks where the work is 1493
done by contract. A copy of the bidding blank shall be filed with 1494
the director before such contract is awarded. A minimum rate of 1495
wages for common laborers, on work coming under the jurisdiction 1496
of the department of transportation, shall be fixed in each county 1497
of the state by said department of transportation, in accordance 1498
with section 4115.05 of the Revised Code. 1499

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 1500
apply to: 1501

(1) Public improvements in any case where the federal 1502
government or any of its agencies furnishes by loan or grant all 1503
or any part of the funds used in constructing such improvements, 1504
provided the federal government or any of its agencies prescribes 1505
predetermined minimum wages to be paid to mechanics and laborers 1506
employed in the construction of such improvements; 1507

(2) A participant in a work activity, developmental activity, 1508

or an alternative work activity under sections 5107.40 to 5107.69 1509
of the Revised Code when a public authority directly uses the 1510
labor of the participant to construct a public improvement if the 1511
participant is not engaged in paid employment or subsidized 1512
employment pursuant to the activity; 1513

(3) Public improvements undertaken by, or under contract for, 1514
the board of education of any school district or the governing 1515
board of any educational service center; 1516

(4) Public improvements undertaken by, or under contract for, 1517
a county hospital operated pursuant to Chapter 339. of the Revised 1518
Code or a municipal hospital operated pursuant to Chapter 749. of 1519
the Revised Code if none of the funds used in constructing the 1520
improvements are the proceeds of bonds or other obligations which 1521
are secured by the full faith and credit of the state, ~~the a~~ 1522
county, a township, or a municipal corporation and none of the 1523
funds used in constructing the improvements, including funds used 1524
to repay any amounts borrowed to construct the improvements, are 1525
funds that have been appropriated for that purpose by the state, a 1526
board of county commissioners, ~~the state,~~ a township, or a 1527
municipal corporation from funds generated by the levy of a tax; 1528
provided, however, that a county hospital or municipal hospital 1529
may elect to apply sections 4115.03 to 4115.16 of the Revised Code 1530
to a public improvement undertaken by, or under contract for, the 1531
~~county~~ hospital. 1532

Section 2. That existing sections 121.22, 133.05, 149.43, 1533
721.15, 721.27, 737.03, 749.02, 749.03, 749.08, 749.10, 749.15, 1534
749.18, 749.24, 749.33, 751.07, 2744.01, 3702.62, and 4115.04 of 1535
the Revised Code are hereby repealed. 1536