

As Passed by the Senate

**126th General Assembly
Regular Session
2005-2006**

Sub. S. B. No. 126

Senators Wachtmann, Stivers

—

A BILL

To amend sections 133.07, 140.03, 140.05, 325.19, 1
339.01, 339.02, 339.03, 339.06, 339.09, 339.091, 2
339.14, 339.16, and 339.17 and to repeal section 3
339.092 of the Revised Code to modify the laws 4
governing county hospitals. 5

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

Section 1. That sections 133.07, 140.03, 140.05, 325.19, 6
339.01, 339.02, 339.03, 339.06, 339.09, 339.091, 339.14, 339.16, 7
and 339.17 of the Revised Code be amended to read as follows: 8

Sec. 133.07. (A) A county shall not incur, without a vote of 9
the electors, either of the following: 10

(1) Net indebtedness for all purposes that exceeds an amount 11
equal to one per cent of its tax valuation; 12

(2) Net indebtedness for the purpose of paying the county's 13
share of the cost of the construction, improvement, maintenance, 14
or repair of state highways that exceeds an amount equal to 15
one-half of one per cent of its tax valuation. 16

(B) A county shall not incur total net indebtedness that 17
exceeds an amount equal to one of the following limitations that 18
applies to the county: 19

(1) A county with a valuation not exceeding one hundred million dollars, three per cent of that tax valuation;	20 21
(2) A county with a tax valuation exceeding one hundred million dollars but not exceeding three hundred million dollars, three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;	22 23 24 25
(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.	26 27 28 29
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	30 31
(1) Securities described in section 307.201 of the Revised Code;	32 33
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	34 35 36
(a) Water systems or facilities;	37
(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;	38 39 40
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	41 42 43
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	44 45 46
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	47 48 49

(f) Recreational, sports, convention, auditorium, museum,	50
trade show, and other public attraction facilities;	51
(g) Facilities for natural resources exploration,	52
development, recovery, use, and sale;	53
(h) Correctional and detention facilities and related	54
rehabilitation facilities.	55
(3) Securities issued for the purpose of purchasing,	56
constructing, improving, or extending water or sanitary or surface	57
and storm water sewerage systems or facilities, or a combination	58
of those systems or facilities, to the extent that an agreement	59
entered into with another subdivision requires the other	60
subdivision to pay to the county amounts equivalent to debt	61
charges on the securities;	62
(4) Voted general obligation securities issued for the	63
purpose of permanent improvements for sanitary sewerage or water	64
systems or facilities to the extent that the total principal	65
amount of voted securities outstanding for the purpose does not	66
exceed an amount equal to two per cent of the county's tax	67
valuation;	68
(5) Securities issued for permanent improvements to house	69
agencies, departments, boards, or commissions of the county or of	70
any municipal corporation located, in whole or in part, in the	71
county, to the extent that the revenues, other than revenues from	72
unvoted county property taxes, derived from leases or other	73
agreements between the county and those agencies, departments,	74
boards, commissions, or municipal corporations relating to the use	75
of the permanent improvements are sufficient to cover the cost of	76
all operating expenses of the permanent improvements paid by the	77
county and debt charges on the securities;	78
(6) Securities issued pursuant to section 133.08 of the	79
Revised Code;	80

(7) Securities issued for the purpose of acquiring or 81
constructing roads, highways, bridges, or viaducts, for the 82
purpose of acquiring or making other highway permanent 83
improvements, or for the purpose of procuring and maintaining 84
computer systems for the office of the clerk of any 85
county-operated municipal court, for the office of the clerk of 86
the court of common pleas, or for the office of the clerk of the 87
probate, juvenile, or domestic relations division of the court of 88
common pleas to the extent that the legislation authorizing the 89
issuance of the securities includes a covenant to appropriate from 90
moneys distributed to the county pursuant to division (B) of 91
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 92
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 93
sufficient amount to cover debt charges on and financing costs 94
relating to the securities as they become due; 95

(8) Securities issued for the purpose of acquiring, 96
constructing, improving, and equipping a county, multicounty, or 97
multicounty-municipal jail, workhouse, juvenile detention 98
facility, or correctional facility; 99

(9) Securities issued for the acquisition, construction, 100
equipping, or repair of any permanent improvement or any class or 101
group of permanent improvements enumerated in a resolution adopted 102
pursuant to division (D) of section 5739.026 of the Revised Code 103
to the extent that the legislation authorizing the issuance of the 104
securities includes a covenant to appropriate from moneys received 105
from the taxes authorized under section 5739.023 and division 106
(A)(5) of section 5739.026 of the Revised Code an amount 107
sufficient to pay debt charges on the securities and those moneys 108
shall be pledged for that purpose; 109

(10) Securities issued for county or joint county solid waste 110
or hazardous waste collection, transfer, or disposal facilities, 111
or resource recovery and solid or hazardous waste recycling 112

facilities, or any combination of those facilities;	113
(11) Securities issued for the acquisition, construction, and equipping of a port authority educational and cultural facility under section 307.671 of the Revised Code;	114 115 116
(12) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(1) of section 307.672 of the Revised Code;	117 118 119 120
(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code;	121 122
(14) Securities issued for the acquisition, construction, equipping, improving, or repair of a sports facility, including obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code;	123 124 125 126
(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;	127 128 129 130 131 132 133 134
(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due;	135 136 137 138 139 140 141 142 143

(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a covenant to appropriate from revenue received from a tax authorized under division (A)(9) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay the debt charges on the bonds or notes, and the board of county commissioners pledges that revenue for that purpose;

(18) Securities issued under section 3707.55 of the Revised Code for the acquisition of real property by a general health district;

(19) Securities issued under division (A)(3) of section 3313.37 of the Revised Code for the acquisition of real and personal property by an educational service center.

(D) In calculating the net indebtedness of a county, no obligation incurred under division ~~(D)~~(F) of section 339.06 of the Revised Code shall be considered.

Sec. 140.03. (A) Two or more hospital agencies may enter into agreements for the acquisition, construction, reconstruction, rehabilitation, remodeling, renovating, enlarging, equipping, and furnishing of hospital facilities, or the management, operation, occupancy, use, maintenance, and repair of hospital facilities, or for participation in programs, projects, activities, and services useful to, connected with, supplementing, or otherwise related to the services provided by, or the operation of, hospital facilities operated by one or more participating hospital agencies, including any combination of such purposes, all in such manner as to promote the public purpose stated in section 140.02 of the Revised Code. A city health district; general health district; board of alcohol, drug addiction, and mental health services; county board of mental retardation and developmental disabilities; the department of mental health; the department of mental retardation and

developmental disabilities; or any public body engaged in the 175
education or training of health professions personnel may join in 176
any such agreement for purposes related to its authority under 177
laws applicable to it, and as such a participant shall be 178
considered a public hospital agency or hospital agency for the 179
purposes of this section. 180

(B) An agreement entered into under authority of this section 181
shall, where appropriate, provide for: 182

(1) The manner in which the title to the hospital facilities, 183
including the sites and interest in real estate pertaining 184
thereto, is to be held, transferred, or disposed of; 185

(2) Unless provided for by lease pursuant to section 140.05 186
of the Revised Code, the method by which such hospital facilities 187
are to be acquired, constructed, or otherwise improved and by 188
which they shall be managed, occupied, maintained, and repaired, 189
including the designation of one of the hospital agencies to have 190
charge of the details of acquisition, construction, or improvement 191
pursuant to the contracting procedures prescribed under the law 192
applicable to one of the participating public hospital agencies; 193

(3) The management or administration of any such programs, 194
projects, activities, or services, which may include management or 195
administration by one of said hospital agencies or a board or 196
agency thereof; 197

(4) Annual, or more frequent, reports to the participating 198
hospital agencies as to the revenues and receipts pertaining to 199
the subject of the agreement, the expenditures thereof, the status 200
and application of other funds contributed under such agreement, 201
and such other matters as may be specified by or pursuant to such 202
agreement; 203

(5) The manner of apportionment or sharing of costs of 204
hospital facilities, any other applicable costs of management, 205

operation, maintenance, and repair of hospital facilities, and 206
costs for the programs, projects, activities, and services forming 207
the subject of the agreement, which apportionment or sharing may 208
be prescribed in fixed amounts, or determined by ratios, formulas, 209
or otherwise, and paid as service charges, rentals, or in such 210
other manner as provided in the agreement, and may include amounts 211
sufficient to meet the bond service charges and other payments and 212
deposits required under the bond proceedings for obligations 213
issued to pay costs of hospital facilities. A hospital agency may 214
commit itself to make such payments at least for so long as any 215
such obligations are outstanding. In the apportionment, different 216
classes of costs or expenses may be apportioned to one or more, 217
all or less than all, of the participating hospital agencies as 218
determined under such agreement. 219

(C) An agreement entered into under authority of this section 220
may provide for: 221

(1) An orderly process for making determinations or advising 222
as to planning, execution, implementation, and operation, which 223
may include designating one of the hospital agencies, or a board 224
thereof, for any of such purposes, provisions for a committee, 225
board, or commission, and for representation thereon, or as may 226
otherwise be provided; 227

(2) Securing necessary personnel, including participation of 228
personnel from the respective hospital agencies; 229

(3) Standards or conditions for the admission or 230
participation of patients and physicians; 231

(4) Conditions for admittance of other hospital agencies to 232
participation under the agreement; 233

(5) Fixing or establishing the method of determining charges 234
to be made for particular services; 235

(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement, or an indefinite term;	236 237 238
(7) Designation of the applicants for or recipients of any federal, state, or other aid, assistance, or loans available by reason of any activities conducted under the agreement;	239 240 241
(8) Designation of one or more of the participating hospital agencies to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement;	242 243 244 245
(9) Any incidental use of the hospital facilities, or services thereof, by participating public hospital agencies for any of their lawful purposes, which incidental use does not impair the character of the facilities as hospital facilities for any purpose of this chapter;	246 247 248 249 250
(10) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section.	251 252
(D) For the purpose of paying or contributing its share under an agreement made under this section, a public hospital agency may:	253 254 255
(1) Expend any moneys from its general fund, and from any other funds not otherwise restricted by law, but including funds for permanent improvements of hospital facilities of such public hospital agency where the contribution is to be made toward the costs of hospital facilities under the agreement, and including funds derived from levies for, or receipts available for, operating expenses of hospital facilities or services of such public hospital agency where the contribution or payment is to be made toward operating expenses of the hospital facilities or services under the agreement or for the services provided thereby;	256 257 258 259 260 261 262 263 264 265

(2) Issue obligations under Chapter 133. or ~~sections~~ section 266
140.06, 339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or 267
Section 3 of Article XVIII, Ohio Constitution, if applicable to 268
such public hospital agency, to pay costs of hospital facilities, 269
or issue obligations under any other provision of law authorizing 270
such public hospital agency to issue obligations for any costs of 271
hospital facilities; 272

(3) Levy taxes under Chapter 5705. or section 513.13 or 273
3709.29 of the Revised Code, if applicable to such public hospital 274
agency, provided that the purpose of such levy may include the 275
provision of funds for either or both permanent improvements and 276
current expenses if required for the contribution or payment of 277
such hospital agency under such agreement, and each such public 278
hospital agency may issue notes in anticipation of any such levy, 279
pursuant to the procedures provided in section 5705.191 of the 280
Revised Code if the levy is solely for current expenses, and in 281
section 5705.193 of the Revised Code if the levy is all or in part 282
for permanent improvements; 283

(4) Contribute real and personal property or interest therein 284
without necessity for competitive bidding or public auction on 285
disposition of such property. 286

(E) Any funds provided by public hospital agencies that are 287
parties to an agreement entered into under this section shall be 288
transferred to and placed in a separate fund or funds of such 289
participating public hospital agency as is designated under the 290
agreement. The funds shall be applied for the purposes provided in 291
such agreement and are subject to audit. Pursuant to any 292
determinations to be made under such agreement, the funds shall be 293
deposited, invested, and disbursed under the provisions of law 294
applicable to the public hospital agency in whose custody the 295
funds are held. This division is subject to the provisions of any 296
applicable bond proceedings under section 133.08, 140.06, 339.15, 297

or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio
Constitution. The records and reports of such public hospital
agency under Chapter 117. of the Revised Code and sections 3702.51
to 3702.62 of the Revised Code, with respect to the funds shall be
sufficient without necessity for reports thereon by the other
public hospital agencies participating under such agreement.

(F)(1) Prior to its entry into any such agreement, the public
hospital agency must determine, and set forth in a resolution or
ordinance, that the contribution to be made by it under such
agreement will be fair consideration for value and benefit to be
derived by it under such agreement and that the agreement will
promote the public purpose stated in section 140.02 of the Revised
Code.

(2) If the agreement is with a board of county commissioners,
board of county hospital trustees, or county hospital commission
and is an initial agreement for the acquisition or operation of a
county hospital operated by a board of county hospital trustees
under section 339.06 of the Revised Code, the governing body of
the public hospital agency shall submit the agreement, accompanied
by the resolution or ordinance, to the board of county
commissioners for review pursuant to section 339.091 of the
Revised Code. ~~If The agreement may be entered into only if the~~
~~board of county commissioners adopts a resolution under that~~
~~section, it shall submit the resolution to the electors of the~~
~~county pursuant to section 339.092 of the Revised Code.~~ The
requirements of division (F)(2) of this section do not apply to
the agreement if one or more hospitals classified as general
hospitals by the public health council under section 3701.07 of
the Revised Code are operating in the same county as the county
hospital.

Sec. 140.05. (A)(1) A public hospital agency may lease any

hospital facility to one or more hospital agencies for use as a 329
hospital facility, or to one or more city or general health 330
districts; boards of alcohol, drug addiction, and mental health 331
services; county boards of mental retardation and developmental 332
disabilities; the department of mental health; or the department 333
of mental retardation and developmental disabilities, for uses 334
which they are authorized to make thereof under the laws 335
applicable to them, or any combination of them, and they may lease 336
such facilities to or from a hospital agency for such uses, upon 337
such terms and conditions as are agreed upon by the parties. Such 338
lease may be for a term of fifty years or less and may provide for 339
an option of the lessee to renew for a term of fifty years or 340
less, as therein set forth. Prior to entering into such lease, the 341
governing body of any public hospital agency granting such lease 342
must determine, and set forth in a resolution or ordinance, that 343
such lease will promote the public purpose stated in section 344
140.02 of the Revised Code and that the lessor public hospital 345
agency will be duly benefited thereby. 346

(2) If the lease is with a board of county commissioners, 347
board of county hospital trustees, or county hospital commission 348
and is an agreement for the initial lease of a county hospital 349
operated by a board of county hospital trustees under section 350
339.06 of the Revised Code, the governing body of the public 351
hospital agency shall submit the agreement, accompanied by the 352
resolution or ordinance, to the board of county commissioners for 353
review pursuant to section 339.091 of the Revised Code. ~~If The~~ 354
~~agreement may be entered into only if~~ the board of county 355
commissioners adopts a resolution under that section, ~~it shall~~ 356
~~submit the resolution to the electors of the county pursuant to~~ 357
~~section 339.092 of the Revised Code.~~ The requirements of division 358
(A)(2) of this section do not apply to the lease if one or more 359
hospitals classified as general hospitals by the public health 360
council under section 3701.07 of the Revised Code are operating in 361

the same county as the county hospital. 362

(B) Any lease entered into pursuant to this section shall 363
provide that in the event that the lessee fails faithfully and 364
efficiently to administer, maintain, and operate such leased 365
facilities as hospital facilities, or fails to provide the 366
services thereof without regard to race, creed, color, or national 367
origin, or fails to require that any hospital agency using such 368
facilities or the services thereof shall not discriminate by 369
reason of race, creed, color, or national origin, after an 370
opportunity to be heard upon written charges, said lease may be 371
terminated at the time, in the manner and with consequences 372
therein provided. If any such lease does not contain terms to the 373
effect provided in this division, it shall nevertheless be deemed 374
to contain such terms which shall be implemented as determined by 375
the governing body of the lessor. 376

(C) Such lease may provide for rentals commencing at any time 377
agreed upon, or advance rental, and continuing for such period 378
therein provided, notwithstanding and without diminution, rebate, 379
or setoff by reason of time of availability of the hospital 380
facility for use, delays in construction, failure of completion, 381
damage or destruction of the hospital facilities, or for any other 382
reason. 383

(D) Such lease may provide for the sale or transfer of title 384
of the leased facilities pursuant to an option to purchase, 385
lease-purchase, or installment purchase upon terms therein 386
provided or to be determined as therein provided, which may 387
include provision for the continued use thereof as a hospital 388
facility for some reasonable period, taking into account efficient 389
useful life and other factors, as is provided therein. 390

(E) Such lease may be entered as part of or in connection 391
with an agreement pursuant to section 140.03 of the Revised Code. 392
Any hospital facilities which are the subject of an agreement 393

entered into under section 140.03 of the Revised Code may be
leased pursuant to this section.

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(F) If land acquired by a public hospital agency for a
hospital facility is adjacent to an existing hospital facility
owned by another hospital agency, the public hospital agency may,
in connection with such acquisition or the leasing of such land
and hospital facilities thereon to one or more hospital agencies,
enter into an agreement with the hospital agency which owns such
adjacent hospital facility for the use of common walls in the
construction, operation, or maintenance of hospital facilities of
the public hospital agency. For the purpose of construction,
operation, or maintenance of hospital facilities, a public
hospital agency may acquire by purchase, gift, lease, lease with
option to purchase, lease-purchase, or installment purchase,
easement deed, or other agreement, real estate and interests in
real estate, including rights to use space over, under or upon
real property owned by others, and support, access, common wall,
and other rights in connection therewith. Any public hospital
agency or other political subdivision or any public agency, board,
commission, institution, body, or instrumentality may grant such
real estate, interests, or rights to any hospital agency upon such
terms as are agreed upon without necessity for competitive bidding
or public auction.

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Sec. 325.19. (A)(1) The granting of vacation leave under
division (A)(1) of this section is subject to divisions (A)(2) and
(3) of this section. Each full-time employee in the several
offices and departments of the county service, including full-time
hourly rate employees, after service of one year with the county
or any political subdivision of the state, shall have earned and
will be due upon the attainment of the first year of employment,
and annually thereafter, eighty hours of vacation leave with full

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pay. One year of service shall be computed on the basis of 425
twenty-six biweekly pay periods. A full-time county employee with 426
eight or more years of service with the county or any political 427
subdivision of the state shall have earned and is entitled to one 428
hundred twenty hours of vacation leave with full pay. A full-time 429
county employee with fifteen or more years of service with the 430
county or any political subdivision of the state shall have earned 431
and is entitled to one hundred sixty hours of vacation leave with 432
full pay. A full-time county employee with twenty-five years of 433
service with the county or any political subdivision of the state 434
shall have earned and is entitled to two hundred hours of vacation 435
leave with full pay. Such vacation leave shall accrue to the 436
employee at the rate of three and one-tenth hours each biweekly 437
period for those entitled to eighty hours per year; four and 438
six-tenths hours each biweekly period for those entitled to one 439
hundred twenty hours per year; six and two-tenths hours each 440
biweekly period for those entitled to one hundred sixty hours per 441
year; and seven and seven-tenths hours each biweekly period for 442
those entitled to two hundred hours per year. 443

The appointing authorities of the offices and departments of 444
the county service may permit all or any part of a person's prior 445
service with any regional council of government established in 446
accordance with Chapter 167. of the Revised Code to be considered 447
service with the county or a political subdivision of the state 448
for the purpose of determining years of service under this 449
division. 450

(2) Full-time employees granted vacation leave under division 451
(A)(1) of this section who render any standard of service other 452
than forty hours per week as described in division (J) of this 453
section and who are in active pay status in a biweekly pay period, 454
shall accrue a number of hours of vacation leave during each such 455
pay period that bears the same ratio to the number of hours 456

specified in division (A)(1) of this section as their number of 457
hours which are accepted as full-time in active pay status, 458
excluding overtime hours, bears to eighty hours. 459

(3) Full-time employees granted vacation leave under division 460
(A)(1) of this section who are in active pay status in a biweekly 461
pay period for less than eighty hours or the number of hours of 462
service otherwise accepted as full-time by their employing office 463
or department shall accrue a number of hours of vacation leave 464
during that pay period that bears the same ratio to the number of 465
hours specified in division (A)(1) of this section as their number 466
of hours in active pay status, excluding overtime hours, bears to 467
eighty or the number of hours of service accepted as full-time, 468
whichever is applicable. 469

(B) A board of county commissioners, by resolution, may grant 470
vacation leave with full pay to part-time county employees. A 471
part-time county employee shall be eligible for vacation leave 472
with full pay upon the attainment of the first year of employment, 473
and annually thereafter. The ratio between the hours worked and 474
the vacation hours awarded to a part-time employee shall be the 475
same as the ratio between the hours worked and the vacation hours 476
earned by a full-time employee as provided for in this section. 477

(C) Days specified as holidays in section 124.19 of the 478
Revised Code shall not be charged to an employee's vacation leave. 479
Vacation leave shall be taken by the employee during the year in 480
which it accrued and prior to the next recurrence of the 481
anniversary date of the employee's employment, provided the 482
appointing authority may, in special and meritorious cases, permit 483
such employee to accumulate and carry over the employee's vacation 484
leave to the following year. No vacation leave shall be carried 485
over for more than three years. An employee is entitled to 486
compensation, at the employee's current rate of pay, for the 487
prorated portion of any earned but unused vacation leave for the 488

current year to the employee's credit at time of separation, and
in addition shall be compensated for any unused vacation leave
accrued to the employee's credit, with the permission of the
appointing authority, for the three years immediately preceding
the last anniversary date of employment.

(D)(1) In addition to vacation leave, a full-time county
employee is entitled to eight hours of holiday pay for New Year's
day, Martin Luther King day, Washington-Lincoln day, Memorial day,
Independence day, Labor day, Columbus day, Veterans' day,
Thanksgiving day, and Christmas day, of each year. Except as
provided in division (D)(2) of this section, holidays shall occur
on the days specified in section 1.14 of the Revised Code. If any
of those holidays fall on Saturday, the Friday immediately
preceding shall be observed as the holiday. If any of those
holidays fall on Sunday, the Monday immediately succeeding shall
be observed as the holiday. If an employee's work schedule is
other than Monday through Friday, the employee is entitled to
holiday pay for holidays observed on the employee's day off
regardless of the day of the week on which they are observed.

(2)(a) When a classified employee of a county board of mental
retardation and developmental disabilities works at a site
maintained by a government entity other than the board, such as a
public school, the board may adjust the employee's holiday
schedule to conform to the schedule adopted by the government
entity. Under an adjusted holiday schedule, an employee shall
receive the number of hours of holiday pay granted under division
(D)(1) of this section.

(b) Pursuant to division ~~(H)(6)~~(J)(7) of section 339.06 of
the Revised Code, a county hospital may observe Martin Luther King
day, Washington-Lincoln day, Columbus day, and Veterans' day on
days other than those specified in section 1.14 of the Revised
Code.

(E) In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of any such employee shall be paid in accordance with section 2113.04 of the Revised Code, or to the employee's estate.

(F) Notwithstanding this section or any other section of the Revised Code, any appointing authority of a county office, department, commission, board, or body may, upon notification to the board of county commissioners, establish alternative schedules of vacation leave and holidays for employees of the appointing authority for whom the state employment relations board has not established an appropriate bargaining unit pursuant to section 4117.06 of the Revised Code, provided that the alternative schedules are not inconsistent with the provisions of a collective bargaining agreement covering other employees of that appointing authority.

(G) The employees of a county children services board that establishes vacation benefits under section 5153.12 of the Revised Code are exempt from division (A) of this section.

(H) The provisions of this section do not apply to superintendents and management employees of county boards of mental retardation and developmental disabilities.

(I) Division (A) of this section does not apply to an employee of a county board of mental retardation and developmental disabilities who works at, or provides transportation services to pupils of, a special education program provided by the county board pursuant to division (A)(4) of section 5126.05 of the Revised Code, if the employee's employment is based on a school year and the employee is not subject to a contract with the county board that provides for division (A) of this section to apply to the employee.

(J) As used in this section:

(1) "Full-time employee" means an employee whose regular hours of service for a county total forty hours per week, or who renders any other standard of service accepted as full-time by an office, department, or agency of county service.

(2) "Part-time employee" means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.

(3) "Management employee" has the same meaning as in section 5126.20 of the Revised Code.

Sec. 339.01. (A) As used in sections 339.01 to 339.17 of the Revised Code:

(1) "Hospital facilities" has the meaning given in section 140.01 of the Revised Code.

(2) "County hospital" includes all of the county hospital's branches and hospital facilities, wherever located.

(3) "Outpatient health facility" means a facility where medical care and preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services are provided to outpatients by or under the direction of a physician or dentist.

(B) A board of county commissioners may purchase, acquire, lease, appropriate, and construct a county hospital or hospital facilities thereof. After a county hospital or hospital facilities have been fully completed and sufficiently equipped for occupancy, any subsequent improvements, enlargements, or rebuilding of any such facility shall be made by the board of county hospital trustees or a hospital commission appointed pursuant to section 339.14 of the Revised Code.

(C)(1) A board of county commissioners, board of county hospital trustees, or hospital commission may purchase, acquire, lease, appropriate, or construct an outpatient health facility in another county to serve as a branch of the county hospital. The outpatient health facility may include office space for physicians. The facility shall be operated pursuant to the law that regulates the operation of the county hospital. A

(2) When a proposal to establish an outpatient health facility in another county is made by a board of hospital trustees or a hospital commission, all of the following apply:

(a) The board of county hospital trustees or a hospital commission that proposes to establish such a facility shall give written notice to its board of county commissioners and to the board of county commissioners of the county where the facility is to be located. The board of county commissioners 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 board considers necessary. The board shall send a copy of the resolution to the board of county hospital trustees or the hospital commission and to the board of county commissioners of the county that proposes to locate the facility in the other county.

~~(2)~~(b) Except as provided in division (C)~~(3)~~(2)(c) of this section, the board of county hospital trustees or the hospital commission may establish and operate the facility, unless the board of county commissioners of the county proposing to locate the facility in the other county, not later than twenty days after receiving a resolution of objection from the other county's board of county commissioners pursuant to division (C)~~(1)~~(2)(a) of this section, adopts a resolution denying the trustees or commission the right to establish the facility.

~~(3)(c)~~ If a board of county commissioners provides a subsidy 614
for uncompensated care to a board of county hospital trustees or 615
hospital commission, the board of county hospital trustees or 616
hospital commission may establish and operate the outpatient 617
health facility only if that board of county commissioners 618
approves the establishment of the facility. 619

(D) A county hospital may be designated as a monument to 620
commemorate the services of the soldiers, sailors, marines, and 621
pioneers of the county. 622

Sec. 339.02. (A) As used in this section, "area served by the 623
hospital" means the geographic area, whether or not included 624
within the county, from which a county hospital regularly draws 625
patients. 626

(B) Unless a board of county hospital trustees for the county 627
is in existence in accordance with this section, such board shall 628
be created pursuant to this section after the board of county 629
commissioners first determines by resolution to establish a county 630
hospital. Copies of such resolution shall be certified to the 631
probate judge of the county senior in point of service and to the 632
judge, other than a probate judge, of the court of common pleas of 633
the county senior in point of service. The 634

~~(C)~~ ~~The~~ board of county commissioners together with the 635
probate judge of the county senior in point of service and the 636
judge of the court of common pleas of the county senior in point 637
of service shall, within ten days after such certification, 638
appoint a board of county hospital trustees. 639

The (C) In making appointments to a board of county hospital 640
trustees, all of the following apply with respect to the 641
individuals who may be appointed: 642

(1) Members shall be electors of the area served by the 643

hospital, except that not more than two members may be electors of
the area served by the hospital that is outside the county in
which the hospital is located.

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(2) In no case shall more than one-half of the members be
independents or be members of any one political party.

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(3) A physician may serve as a member, including a physician
who is authorized to admit and treat patients at the hospital,
except as follows:

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(a) Not more than two physicians may serve as members at the
same time;

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(b) No physician who is employed by the hospital may serve as
a member.

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(D) A board of county hospital trustees shall be composed of
six electors of the area served by the hospital ~~members,~~ unless
the board of county commissioners determines that the board of
trustees can more effectively function with eight or ten ~~trustees~~
members in which case there may be eight or ten ~~trustees~~ members,
as designated by the board of county commissioners.

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(E) With respect to the initial appointment of members to a
board of county hospital trustees, all of the following apply:

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(1) When the board ~~of trustees~~ is composed of six ~~electors~~
members, their terms of office shall be: one for one year, one for
two years, one for three years, one for four years, one for five
years, and one for six years from the first Monday of March
thereafter.

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(2) When the board is composed of eight ~~electors~~ members,
their terms of office shall be: one for one year, one for two
years, two for three years, one for four years, one for five
years, and two for six years from the first Monday of March
thereafter.

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(3) When the board is composed of ten ~~electors~~ members, their 674
terms of office shall be+ two for one year, one for two years, two 675
for three years, two for four years, one for five years, and two 676
for six years from the first Monday of March thereafter. 677

(F) Except as provided in division (G)(2) of this section, 678
all of the following apply with respect to vacancies on a board of 679
county hospital trustees: 680

(1) Annually thereafter except as provided in division (D)(2) 681
of this section, on the first Monday of March, the board of county 682
commissioners together with the probate judge of the county senior 683
in point of service and the judge of the court of common pleas of 684
the county senior in point of service shall appoint or reappoint 685
for a term of six years a sufficient number of ~~electors of the~~ 686
~~area served by the hospital~~ members to replace those ~~trustees~~ 687
members whose terms have expired. 688

(D)(2) The appointing authority shall fill a vacancy not 689
later than six months after the vacancy occurs. If the vacancy 690
remains unfilled on that date, the remaining members of the board, 691
by majority vote, shall appoint an individual to fill the vacancy. 692

(3) The appointing authority may fill a vacancy by seeking 693
nominations from a selection committee consisting of one county 694
commissioner designated by the board of county commissioners, the 695
chair of the board of county hospital trustees, and the county 696
hospital administrator. If nominations for filling a vacancy are 697
sought from a selection committee, the committee shall nominate at 698
least three individuals for the vacancy. The appointing authority 699
may fill the vacancy by appointing one of the nominated 700
individuals or by appointing another individual selected by the 701
appointing authority. 702

(4) Any member appointed to fill a vacancy occurring prior to 703
the expiration date of the term for which the member's predecessor 704

was appointed shall hold office as a member for the remainder of that term.

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(G)(1) The board of county commissioners together with the probate judge senior in point of service and the judge of the court of common pleas senior in point of service in any county in which a board of county hospital trustees has been appointed may expand the number of ~~trustees~~ members to eight or to ten. ~~Such additional trustees shall be electors of the area served by the hospital.~~ When the number of ~~trustees~~ members is increased to eight, one shall be appointed for a three-year and one for a six-year term from the first Monday of March thereafter. When the number of ~~trustees~~ members is increased from six to ten, the term for additional members shall be: one for one year, one for three years, one for four years, and one for six years from the first Monday of March thereafter. When the number of ~~trustees~~ members is increased from eight to ten, the term for additional members shall be: one for one year and one for four years from the first Monday of March thereafter. Thereafter except as provided in division ~~(D)~~(G)(2) of this section, upon the expiration of the term of office of each ~~trustee~~ member, the ~~trustee's successor~~ vacancy shall be ~~appointed for a term of six years~~ filled in the manner specified in division (F) of this section.

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(2) The board of county commissioners together with the probate judge senior in point of service and the judge of the court of common pleas senior in point of service may reduce the number of members of a board of county hospital trustees to eight or to six. The reduction shall occur on expiration of a ~~trustee's~~ member's term of office, at which time no appointment shall be made. While the board of county commissioners and the judges are in the process of reducing the number of ~~trustees~~ members, the board of county hospital trustees may consist of nine or seven ~~trustees~~ members for one year.

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~~(E) In no case shall more than one half of the members of a board of county hospital trustees be independents or be members of any one political party. Notwithstanding any other provision of this section, no more than two members of the board shall be electors of the area served by the hospital that is outside the county in which the hospital is located. The~~ 737
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(H) Any member of a board of county hospital trustees may be removed from office by the appointing authority for neglect of duty, misconduct, or malfeasance in office. The member shall be informed in writing of the charges and afforded an opportunity for a hearing before the appointing authority. The appointing authority shall not remove a member from office for political reasons. 743
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(I) The members of a board of county hospital trustees shall serve without compensation, but shall be allowed their necessary and reasonable expenses incurred in the performance of their duties, including the cost of their participation in any continuing education programs or developmental programs that the members consider necessary. Allowable expenses shall be paid out of the funds provided for the county hospital. 750
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(J) The persons ~~so~~ selected to be members of a board of county hospital trustees shall forthwith be notified, by mail, of their appointment. ~~The~~ When a board is initially appointed, the notice shall state a time, not more than ten days later, when such board shall meet at the county seat of such county to organize. On 757
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~~On~~ the date stated, the board shall meet and organize. 762

(K) A board of county hospital trustees shall organize by electing one of its number as chairperson and such other officers as specified in the board's rules. Four members of a six-member board constitute a quorum, five members constitute a quorum of an eight-member board, and six members constitute a quorum of a 763
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ten-member board. 768

~~(F) The board of county commissioners, together with the 769
probate judge senior in point of service and the judge of the 770
court of common pleas senior in point of service, shall fill all 771
vacancies that occur in such board of county hospital trustees 772
which result from death, resignation, or removal from office by 773
appointment of electors from the area served by the hospital to 774
fill the unexpired terms. Any trustee appointed under this section 775
may be removed from office by the appointing authority for cause 776
impairing faithful, efficient, and intelligent administration, or 777
for conduct unbecoming to such office, after an opportunity is 778
given to be heard before the appointing authority upon written 779
charges initiated by the appointing authority or board of 780
trustees, but no removal shall be made for political reasons. 781~~

~~(G) Such~~ A board of county hospital trustees shall hold 782
meetings at least once a month, shall adopt necessary rules of 783
procedure, and shall keep a record of its proceedings and a strict 784
account of all its receipts, disbursements, and expenditures; ~~and 785
upon.~~ On completion of the construction and equipping of a county 786
hospital ~~such, the~~ board shall file such account with the board of 787
county commissioners and make final settlement with ~~such the~~ board 788
of county commissioners for the construction and equipping of the 789
hospital. 790

Sec. 339.03. The board of county hospital trustees shall have 791
complete charge of the selection and purchase or lease of a site 792
or sites for a county hospital, taking title or leasehold interest 793
to such site or sites in the name of the county, the selection of 794
plans and specifications, the determination and erection of all 795
necessary buildings on such site or sites, and of the selection 796
and installation of all necessary and proper furniture, fixtures, 797
and equipment. ~~The~~ 798

The board of county hospital trustees may make capital 799
improvements, including the purchase of equipment and vehicles, 800
and may finance such improvements through hospital revenues or 801
other hospital funds. ~~The~~ 802

The board of county hospital trustees may issue revenue 803
obligations, pursuant to section 140.06 or 339.15 of the Revised 804
Code, or revenue bonds pursuant to section 133.08 of the Revised 805
Code. 806

A The board of county hospital trustees may construct an 807
addition to the county hospital, acquire an existing structure for 808
the purpose of leasing office space to local physicians, or lease 809
real property to any person to construct facilities for providing 810
medical services other than inpatient hospital services if the 811
board of county hospital trustees determines that such purpose is 812
reasonably related to the proper operation of the county hospital. 813

~~The trustees shall serve without compensation, but shall be 814
allowed their necessary and reasonable expenses incurred in the 815
performance of their duties, including the cost of their 816
participation in such continuing education programs or 817
developmental programs as the trustees consider necessary. Such 818
expenses shall be paid out of the funds provided for such 819
hospital.~~ 820

~~The board of county hospital trustees may retain counsel and 821
institute legal action in its own name for the collection of 822
delinquent accounts. The board may also employ any other lawful 823
means for the collection of delinquent accounts.~~ 824

Sec. 339.06. (A) The board of county hospital trustees, upon 825
completion of construction or leasing and equipping of a county 826
hospital, shall assume and continue the operation of the hospital. 827
~~The~~ 828

(B) The board of county hospital trustees shall have the 829
entire management and control of the county hospital, ~~and~~. The 830
board shall establish such rules for ~~its~~ the hospital's government 831
and the admission of persons as are expedient. 832

(C) The board of county hospital trustees has control of the 833
property of the county hospital, including management and disposal 834
of surplus property other than real estate or an interest in real 835
estate, ~~and~~. 836

(D) With respect to the use of funds by the board of county 837
hospital trustees and its accounting for the use of funds, all of 838
the following apply: 839

(1) The board of county hospital trustees has control of all 840
funds used in the county hospital's operation, including moneys 841
received from the operation of the hospital, moneys appropriated 842
for its operation by the board of county commissioners, and moneys 843
resulting from special levies submitted by the board of county 844
commissioners as provided for in section 5705.22 of the Revised 845
Code. ~~All~~ 846

(2) Of the funds used in the county hospital's operation, all 847
or part of ~~the moneys~~ any amount determined not to be necessary to 848
meet current demands on the hospital may be invested by the board 849
of county hospital trustees or its designee in any classifications 850
of securities and obligations eligible for deposit or investment 851
of county moneys pursuant to section 135.35 of the Revised Code, 852
subject to the approval of the board's written investment policy 853
by the county investment advisory committee established pursuant 854
to section 135.341 of the Revised Code. 855

~~(B)~~(3) Annually by the first day of November, not later than 856
sixty days before the end of the fiscal year used by the county 857
hospital, the board of county hospital trustees shall submit its 858
proposed budget for the ensuing fiscal year to the board of county 859

commissioners for that board's review and approval, ~~and the.~~ The 860
board of county commissioners shall review the proposed budget and 861
may revise the budget or require the board of county hospital 862
trustees to revise the budget. The board of county commissioners 863
shall approve a the proposed or revised budget for the county 864
~~hospital~~ by the first day of ~~December~~ the fiscal year to which the 865
budget applies. If the board of county commissioners has not 866
approved the budget by the first day of the fiscal year to which 867
the budget applies, the budget is deemed to have been approved by 868
the board on the first day of that fiscal year. 869

(4) The board of county hospital trustees shall not expend 870
funds received from taxes collected pursuant to any tax levied 871
under section 5705.22 of the Revised Code or the amount 872
appropriated to the county hospital by the board of county 873
commissioners in the annual appropriation measure for the county 874
~~for the ensuing fiscal year differ from the amount shown in the~~ 875
~~approved budget, the board of county commissioners may require the~~ 876
~~board of county hospital trustees to revise the hospital budget~~ 877
~~accordingly. The board of trustees shall not expend such funds~~ 878
until its budget for ~~that calendar~~ the applicable fiscal year is 879
~~submitted to and approved by the board of county commissioners in~~ 880
accordance with division (C)(3) of this section. ~~Thereafter such~~ 881
~~funds~~ 882

(5) Funds under the control of the board of county hospital 883
trustees may be disbursed by the board ~~of county hospital~~ 884
~~trustees,~~ consistent with the approved budget, for the uses and 885
purposes of ~~such~~ the county hospital; for the replacement of 886
necessary equipment; for the acquisition, leasing, or construction 887
of permanent improvements to county hospital property; or for 888
making a donation authorized by division ~~(C)~~(E) of this section. 889
Each disbursement of funds shall be made on a voucher signed by 890
signatories designated and approved by the board of county 891

hospital trustees. 892

(6) The head of a board of county hospital trustees is not 893
required to file an estimate of contemplated revenue and 894
expenditures for the ensuing fiscal year under section 5705.28 of 895
the Revised Code unless the board of county commissioners levies a 896
tax for the county hospital, or such a tax is proposed, or the 897
board of county hospital trustees desires that the board of county 898
commissioners make an appropriation to the county hospital for the 899
ensuing fiscal year. 900

(7) All moneys appropriated by the board of county 901
commissioners or from special levies by the board of county 902
commissioners for the operation of the hospital, when collected 903
shall be paid to the board of county hospital trustees on a 904
warrant of the county auditor and approved by the board of county 905
commissioners. ~~The~~ 906

(8) The board of county hospital trustees shall provide for 907
the conduct of an annual financial audit of the county hospital. 908
Not later than thirty days after it receives the final report of 909
an annual financial audit, the board shall file an annual a copy 910
of the report of revenues and expenditures for the fiscal year 911
with the board of county commissioners ~~within ninety days after~~ 912
~~the fiscal year's end.~~ 913

~~(C)~~(E) For the public purpose of improving the health, 914
safety, and general welfare of the community, the board of county 915
hospital trustees may donate to a nonprofit entity any of the 916
following: 917

(1) Moneys and other financial assets determined not to be 918
necessary to meet current demands on the hospital; 919

(2) Surplus hospital property, including supplies, equipment, 920
office facilities, and other property that is not real estate or 921
an interest in real estate; 922

(3) Services rendered by the hospital.	923
(D) (F)(1) For purposes of this division <u>(F)(2) of this</u>	924
<u>section</u> :	925
(a) "Bank" has the same meaning as in section 1101.01 of the	926
Revised Code.	927
(b) "Savings and loan association" has the same meaning as in	928
section 1151.01 of the Revised Code.	929
(c) "Savings bank" has the same meaning as in section 1161.01	930
of the Revised Code.	931
(2) The board of county hospital trustees may enter into a	932
contract for a secured line of credit with a bank, savings and	933
loan association, or savings bank if the contract meets all of the	934
following requirements:	935
(a) The term of the contract does not exceed one year, except	936
that the contract may provide for the automatic renewal of the	937
contract for up to four additional one-year periods if, on the	938
date of automatic renewal, the aggregate outstanding draws	939
remaining unpaid under the secured line of credit do not exceed	940
fifty per cent of the maximum amount that can be drawn under the	941
secured line of credit.	942
(b) The contract provides that the bank, savings and loan	943
association, or savings bank shall not commence a civil action	944
against the board of county commissioners, any member of the	945
board, or the county to recover the principal, interest, or any	946
charges or other amounts that remain outstanding on the secured	947
line of credit at the time of any default by the board of county	948
hospital trustees.	949
(c) The contract provides that no assets other than those of	950
the <u>county</u> hospital can be used to secure the line of credit.	951
(d) The terms and conditions of the contract comply with all	952

state and federal statutes and rules governing the extension of a 953
secured line of credit. 954

(3) Any obligation incurred by a board of county hospital 955
trustees under ~~this~~ division (F)(2) of this section is an 956
obligation of that board only and not a general obligation of the 957
board of county commissioners or the county within the meaning of 958
division (Q) of section 133.01 of the Revised Code. 959

(4) Notwithstanding anything to the contrary in the Revised 960
Code, the board of county hospital trustees may secure the line of 961
credit authorized under division (F)(2) of this section by the 962
grant of a security interest in any part or all of its tangible 963
personal property and intangible personal property, including its 964
deposit accounts, accounts receivable, or both. 965

(5) No board of county hospital trustees shall at any time 966
have more than one secured line of credit under division (F)(2) of 967
this section. 968

~~(E)~~(G) The board of county hospital trustees shall establish 969
a schedule of charges for all services and treatment rendered by 970
the county hospital. It may provide for the free treatment in ~~such~~ 971
the hospital of soldiers, sailors, and marines of the county, 972
under such conditions and rules as it prescribes. 973

~~(F)~~(H) The board of county hospital trustees may designate 974
the amounts and forms of insurance protection to be provided, and 975
the board of county commissioners shall assist in obtaining such 976
protection. The expense of providing the protection shall be paid 977
from hospital operating funds. 978

~~(G)~~(I) The board of county hospital trustees may authorize a 979
county hospital and each of its units, hospital board members, 980
designated hospital employees, and medical staff members to be a 981
member of and maintain membership in any local, state, or national 982
group or association organized and operated for the promotion of 983

the public health and welfare or advancement of the efficiency of 984
hospital administration and in connection therewith to use tax 985
funds for the payment of dues and fees and related expenses but 986
nothing in this section prohibits the board from using receipts 987
from hospital operation, other than tax funds, for the payment of 988
such dues and fees. 989

~~(H)~~(J) The following apply to the board of county hospital 990
trustees, in relation to its employees, and the employees of the 991
county hospital: 992

(1) The board shall adopt the wage and salary schedule for 993
employees. 994

(2) The board may employ the hospital's administrator 995
pursuant to section 339.07 of the Revised Code, and the 996
administrator may employ individuals for the hospital in 997
accordance with that section. 998

(3) The board may employ assistants as necessary to perform 999
its clerical work, superintend properly the construction of the 1000
county hospital, and pay the hospital's expenses. Such employees 1001
may be paid from funds provided for the county hospital. 1002

(4) The board may hire, by contract or as salaried employees, 1003
such management consultants, accountants, attorneys, engineers, 1004
architects, construction managers, and other professional advisors 1005
as it determines are necessary and desirable to assist in the 1006
management of the programs and operation of the county hospital. 1007
Such professional advisors may be paid from county hospital 1008
operating funds. 1009

(5) The board may enter into a contract with an employer or 1010
other entity whereby the services of any employee of the board or 1011
county hospital are rendered to or on behalf of the employer or 1012
other entity for a fee paid to the board or county hospital. 1013

(6) Notwithstanding section 325.19 of the Revised Code, the 1014

~~board of county hospital trustees~~ may grant to employees any 1015
fringe benefits the board determines to be customary and usual in 1016
the nonprofit hospital field in its community, including, but not 1017
limited to: 1018

(a) Additional vacation leave with full pay for full-time 1019
employees, including full-time hourly rate employees, after 1020
service of one year; 1021

(b) Vacation leave and holiday pay for part-time employees on 1022
a pro rata basis; 1023

(c) Leave with full pay due to death in the employee's 1024
immediate family, which shall not be deducted from the employee's 1025
accumulated sick leave; 1026

(d) Premium pay for working on holidays listed in section 1027
325.19 of the Revised Code; 1028

(e) Moving expenses for new employees; 1029

(f) Discounts on hospital supplies and services. 1030

~~(6)~~(7) The board may provide holiday leave by observing 1031
Martin Luther King day, Washington-Lincoln day, Columbus day, and 1032
Veterans' day on days other than those specified in section 1.14 1033
of the Revised Code. 1034

~~(7)~~(8) The board may grant to employees the insurance 1035
benefits authorized by section 339.16 of the Revised Code. 1036

~~(8)~~(9) Notwithstanding section 325.19 of the Revised Code, 1037
the board may grant to employees, including hourly rate employees, 1038
such personal holidays as the board determines to be customary and 1039
usual in the hospital field in its community. 1040

~~(9)~~(10) The board ~~of county hospital trustees~~ may provide 1041
employee recognition awards and hold employee recognition dinners. 1042

~~(10)~~(11) The board may grant to employees the recruitment and 1043
retention benefits specified under division ~~(I)~~(K) of this 1044

section. 1045

~~(I)~~(K) Notwithstanding sections 325.191 and 325.20 of the 1046
Revised Code, the board of county hospital trustees may provide, 1047
without the prior authorization of the board of county 1048
commissioners, scholarships for education in the health care 1049
professions, tuition reimbursement, and other staff development 1050
programs to enhance the skills of health care professionals for 1051
the purpose of recruiting or retaining qualified employees. 1052

The board of county hospital trustees may pay reasonable 1053
expenses for recruiting or retaining physicians and other 1054
appropriate health care practitioners. 1055

(L) The board of county hospital trustees may retain counsel 1056
and institute legal action in its own name for the collection of 1057
delinquent accounts. The board may also employ any other lawful 1058
means for the collection of delinquent accounts. 1059

Sec. 339.09. When the county hospital has been fully 1060
completed and sufficiently equipped for occupancy, in lieu of 1061
sections 339.06 to 339.08 of the Revised Code, the board of county 1062
commissioners of any county, on adoption of a resolution under 1063
section 339.091 of the Revised Code ~~and approval by the vote of a 1064
majority of the electors pursuant to section 339.092 of the 1065
Revised Code,~~ may, upon such terms as are agreed upon between the 1066
board and a constituted and empowered nonsectarian Ohio 1067
corporation, organized for charitable purposes and not for profit, 1068
a majority of whose members reside in the county, enter into an 1069
agreement to lease for use as a hospital or hospital facilities, 1070
the lands, the buildings, and equipment of any hospital owned by 1071
said county. Such lease may be from year to year or may provide 1072
for a term of not more than thirty years and may provide that such 1073
board has the option to renew such lease at the expiration thereof 1074
for a further term of not more than thirty years upon such terms 1075

as are provided for in such lease. In the event that said 1076
nonprofit corporation fails to faithfully and efficiently 1077
administer, maintain, and operate such hospital as a public 1078
hospital, admitting patients without regard to race, creed, or 1079
color, then, after an opportunity is given to be heard upon 1080
written charges, said agreement shall terminate and the control 1081
and management of said hospital, together with all additions, 1082
improvements, and equipment, shall revert to and become the 1083
property of the county to be operated as provided by law. 1084

Sec. 339.091. Before the board of county commissioners, board 1085
of county hospital trustees, or county hospital commission may 1086
enter into an initial agreement for the acquisition, operation, or 1087
lease under section 140.03, 140.05, 339.09, or 339.14 of the 1088
Revised Code of a county hospital operated by a board of county 1089
hospital trustees under section 339.06 of the Revised Code, the 1090
board of county commissioners shall review the agreement. If it 1091
finds that the agreement will meet the needs of the residents of 1092
the county for hospital service, the board of county commissioners 1093
may adopt a resolution authorizing the board of county 1094
commissioners, board of county hospital trustees, or county 1095
hospital commission to enter into the agreement; ~~however,~~ 1096
~~authorization to enter into the agreement shall become effective~~ 1097
~~only if approved by the electors of the county pursuant to section~~ 1098
~~339.092 of the Revised Code. This~~ On adoption of the resolution, 1099
the board of county commissioners, board of county hospital 1100
trustees, or county hospital commission may enter into the 1101
agreement. 1102

The requirements of this section ~~and section 339.092 of the~~ 1103
~~Revised Code~~ do not apply to an agreement if one or more hospitals 1104
classified as general hospitals by the public health council under 1105
section 3701.07 of the Revised Code are operating in the same 1106
county as the county hospital. 1107

Sec. 339.14. (A) Upon application to the board of county 1108
commissioners by an Ohio corporation or corporations, organized 1109
for charitable hospital purposes and not for profit, in this 1110
section called participating hospital corporations, the board of 1111
county commissioners may, after a determination that the 1112
preservation of the public health requires additional hospital 1113
facilities in the county, appoint a hospital commission of not 1114
less than three members, in this section called the county 1115
hospital commission. Not less than three members of such 1116
commission shall be appointed to represent the public, and there 1117
shall be appointed to the commission one additional member for 1118
each participating hospital corporation, and there may be 1119
appointed to the commission one additional member for each 1120
nonparticipating charitable hospital corporation in the county and 1121
one or more members for any joint township hospital district 1122
participating under an agreement pursuant to section 513.081 of 1123
the Revised Code. All members representing the county and hospital 1124
corporations shall be electors of the county. All members shall 1125
serve without compensation. Of the first three public members 1126
appointed to the commission one shall be appointed for a term of 1127
two years, one for a term of four years, and one for a term of six 1128
years. Thereafter, such public members shall be appointed for a 1129
term of six years as shall be any additional public members. 1130
Members representing participating and nonparticipating hospital 1131
corporations shall be appointed for a term of six years. Vacancies 1132
shall be filled by appointment by the board of county 1133
commissioners for the unexpired term. 1134

(B) The county hospital commission after consultation with 1135
participating hospital corporations and agreement as to their 1136
respective needs and the needs of the public of the county for 1137
hospital service may, with the consent of the board of county 1138
commissioners, accept conveyances of real estate and interests in 1139

real estate, situated within the county, from any person and may, 1140
on adoption of a resolution by the board of county commissioners 1141
pursuant to section 339.091 of the Revised Code ~~and approval by~~ 1142
~~the electors pursuant to section 339.092 of the Revised Code,~~ 1143
enter into an agreement before or after such conveyance with such 1144
person or with one or more Ohio corporations organized for 1145
charitable hospital purposes or nonprofit corporation organized to 1146
provide services to corporations organized for charitable hospital 1147
purposes, to lease to such corporation or corporations upon such 1148
terms as may be agreed upon such real estate together with 1149
improvements thereof and buildings thereafter constructed thereon 1150
and furniture, fixtures, and equipment therein for use as a 1151
general hospital or a hospital facility, the lease shall be for a 1152
period not to exceed fifty years, renewable for a like term and 1153
may contain provisions for the sale of such property to the lessee 1154
upon the unanimous consent of the board of county commissioners 1155
for a purchase price representing not less than the actual cost to 1156
the county, less depreciation, computed at the rate customarily 1157
applied to similar structures; or such general hospital or 1158
hospital facilities may be leased pursuant to and upon terms as 1159
provided pursuant to section 140.05 of the Revised Code, or the 1160
commission may enter into agreements with respect thereto as 1161
provided in section 140.03 of the Revised Code, notwithstanding 1162
other provisions of this section. 1163

(C) If the land conveyed under division (B) of this section 1164
is adjacent to an existing hospital, the county hospital 1165
commission may, at the time of the acceptance of the conveyance or 1166
the leasing of the proposed hospital facilities, enter into an 1167
agreement with the owner of such existing hospital for the use of 1168
common walls in the construction of the county hospital, or 1169
hospital facilities or rights and interests may be acquired as 1170
provided in division (F) of section 140.05 of the Revised Code. 1171

(D) The county hospital commission may take all steps 1172
necessary for the acquisition or construction, equipment, 1173
enlarging, rebuilding, or other improvement, of hospital 1174
facilities and may request the board of county commissioners to 1175
submit to the electors of the county, in the manner provided in 1176
Chapter 133. of the Revised Code, a bond issue to cover the costs 1177
of hospital facilities, as defined in section 140.01 of the 1178
Revised Code. 1179

(E) If a bond issue provided for above is approved by the 1180
vote of a majority of the electors voting on the issue, the board 1181
of elections for such county shall certify the results of such 1182
election as provided in section 133.18 of the Revised Code, and 1183
the board of county commissioners shall proceed with the 1184
authorization and issuance of the bonds or notes in anticipation 1185
thereof, in the manner provided in Chapter 133. of the Revised 1186
Code for the issuance of bonds and notes by boards of county 1187
commissioners. 1188

(F) The county hospital commission shall take title in the 1189
name of the county to any land conveyed pursuant to this section, 1190
and shall have final approval of all plans and specifications for 1191
the erection and equipping of the hospital facilities contemplated 1192
in this section. The commission may employ architects and such 1193
other assistants as may be required in the construction, including 1194
supervision, and pay the expenses thereof out of the funds 1195
provided for such hospital facilities. 1196

(G) All funds arising from a bond issue pursuant to this 1197
section shall be placed in the county treasury to the credit of a 1198
fund to be known as the "county hospital facility fund." Such fund 1199
shall be paid out on the order of the county hospital commission, 1200
certified by the ~~chairman~~ chairperson or ~~vice-chairman~~ 1201
vice-chairperson and secretary or assistant secretary of the 1202
commission. 1203

(H) Before making a contract for the expenditure of money on any structure in excess of one thousand dollars, the county hospital commission shall advertise for bids in accordance with section 307.87 of the Revised Code and shall cause plans, specifications, and detailed drawings to be distributed among the bidders.

(I) The county hospital commission has continuing jurisdiction of the hospital facilities constructed under this section provided that the lessee corporation shall be solely responsible for the administration, maintenance, and operation of the leased facilities including the selection of personnel. In the event the lessee corporation fails to administer, maintain, and operate the leased hospital facilities as a public general hospital or hospital facility, in accordance with the terms of the agreement, admitting patients without regard to race, creed, or color, then, after an opportunity is given by the county hospital commission to be heard on written charges, the lease shall be terminated by the county hospital commission, with the consent of the board of county commissioners, and the control and management of the hospital facilities together with all additions and equipment shall revert to the county to be operated as provided by law.

(J) The hospital facilities, including furniture, fixtures, and equipment therein, constructed under this section are exempt from taxation.

(K) Upon request of the county hospital commission, the board of county commissioners may issue unvoted bonds or notes in anticipation thereof in the manner provided in Chapter 133. of the Revised Code to pay costs of hospital facilities as defined in section 140.01 of the Revised Code. The bonds and notes authorized by this division shall be issuable only after there has been entered into a lease, pursuant to this section or section 140.05

of the Revised Code, of the hospital facilities to be financed 1236
thereby providing for rental payments which, together with rentals 1237
payable under any prior lease available therefor, shall be at 1238
least sufficient, as to amounts and times of payment, to provide 1239
funds necessary to cover interest charges on all bonds authorized 1240
under this division and to provide a sufficient amount for 1241
retirement or sinking fund to retire such bonds as they become 1242
due. Such bonds and notes shall not be considered in ascertaining 1243
the limitations on net indebtedness of section 133.07 of the 1244
Revised Code. No amendment of such lease shall have the effect of 1245
reducing the rental payments below the amount required to meet 1246
such interest and bond retirement requirements. 1247

Sec. 339.16. (A) A board of trustees of any county hospital 1248
may contract for, purchase, or otherwise procure on behalf of any 1249
or all of its employees, the employees of the hospital, or such 1250
employees and their immediate dependents the following types of 1251
fringe benefits: 1252

~~(A)~~(1) Group or individual insurance contracts which may 1253
include life, sickness, accident, disability, annuities, 1254
endowment, health, medical expense, hospital, dental, surgical and 1255
related coverage or any combination thereof; 1256

~~(B)~~(2) Group or individual contracts with health insuring 1257
corporations or other providers of professional services, care, or 1258
benefits duly authorized to do business in this state. 1259

(B) A board of trustees of any county hospital may contract 1260
for, purchase, or otherwise procure insurance contracts which 1261
provide protection for the trustees, the board's employees, and 1262
the employees of the hospital against liability, including 1263
professional liability, provided that this section or any 1264
insurance contract issued pursuant to this section shall not be 1265
construed as a waiver of or in any manner affect the immunity of 1266

the hospital or county. 1267

(C) All or any portion of the cost, premium, fees, or charges 1268
~~therefor~~ for the insurance benefits specified in divisions (A) and 1269
(B) of this section may be paid in such manner or combination of 1270
manner as the board of trustees may determine, including direct 1271
payment by ~~the~~ an employee, and, if authorized in writing by ~~the~~ 1272
an employee, by the board of trustees with moneys made available 1273
by deduction from or reduction in salary or wages or by the 1274
foregoing of a salary or wage increase. 1275

Notwithstanding sections 3917.01 and 3917.06 of the Revised 1276
Code, the board of trustees may purchase group life insurance 1277
authorized by this section by reason of payment of premiums 1278
therefor by the board of trustees from its funds, and such group 1279
life insurance may be issued and purchased if otherwise consistent 1280
with sections 3917.01 to 3917.06 of the Revised Code. 1281

Sec. 339.17. (A) Sections 140.03 and 140.05 of the Revised 1282
Code are alternatives to sections 339.02 to 339.13 of the Revised 1283
Code. Sections 339.02 to 339.14 of the Revised Code are not 1284
applicable with respect to hospital facilities and services 1285
provided for under leases or agreements entered into pursuant to 1286
section 140.03 or 140.05 of the Revised Code, except to the extent 1287
made applicable by section 140.03 or 140.05 of the Revised Code 1288
and the leases and agreements made thereunder. 1289

(B) Notwithstanding division (A) of this section, the 1290
requirements of ~~sections~~ section 339.091 ~~and 339.092~~ of the 1291
Revised Code apply to an initial agreement with a board of county 1292
commissioners, board of county hospital trustees, or county 1293
hospital commission for the acquisition, operation, or lease of a 1294
county hospital operated by a board of county hospital trustees 1295
under section 339.06 of the Revised Code, entered into pursuant to 1296
section 140.03 or 140.05 of the Revised Code, but not to any 1297

amendment or renewal of such agreement. 1298

Section 2. That existing sections 133.07, 140.03, 140.05, 1299
325.19, 339.01, 339.02, 339.03, 339.06, 339.09, 339.091, 339.14, 1300
339.16, and 339.17 and section 339.092 of the Revised Code are 1301
hereby repealed. 1302