



Wendy H. Gridley

Bill Analysis
Legislative Service Commission

H.B. 194

127th General Assembly
(As Passed by the House)

Reps. Zehringer, Seitz, Evans, Adams, Huffman, J. McGregor, Reinhard, Goodwin, Daniels, Flowers, Carmichael, Webster, Hite, Domenick, Batchelder, Book, Chandler, Coley, DeWine, Dolan, Hughes, Latta, Mandel, Otterman, Patton, Wagoner

BILL SUMMARY

- Authorizes a joint township district hospital board to hold an executive session to discuss trade secrets.

CONTENT AND OPERATION

Current law generally requires that all meetings¹ of any public body² be public meetings open to the public at all times (R.C. 121.22(C)). A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of a public body, and a resolution, rule, or formal action of any kind adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized to be discussed in an executive session of the public body or were otherwise exempted by law (R.C. 121.22(H)). The members of a public body may hold an executive session to consider one of various specified matters only after a majority of a quorum of the public body determines by a roll call vote at a regular or special meeting to hold an executive session (R.C. 121.22(G)).

¹ "Meeting" means any prearranged discussion of any public business of a public body by a majority of its members (R.C. 121.22(B)(2)).

² "Public body" means (1) any board, commission, committee, council, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, council, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or local public institution, (2) any committee or subcommittee of such a body, or (3) a court of jurisdiction of certain sanitary districts when meeting for certain purposes (R.C. 121.22(B)(1)).

Current law authorizes the public body governing a county hospital (the board of county hospital trustees), or a municipal hospital (the board of hospital commissioners) to consider trade secrets³ as defined in the Uniform Trade Secrets Act at an executive session of a board meeting. The bill also authorizes the public body governing a joint township hospital (a joint township district hospital board) to consider trade secrets at an executive session of a board meeting (R.C. 121.22(G)(7)).

HISTORY

ACTION	DATE
Introduced	05-01-07
Reported, H. State Gov't & Elections	06-12-07
Passed House (97-0)	06-26-07

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³ "Trade secret" means information, including the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula, pattern, compilation, program, device, method, technique, or improvement, or any business information or plans, financial information, or listing of names, addresses, or telephone numbers, that satisfies both of the following: (1) it derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use and (2) it is the subject of efforts that are reasonable under the circumstances to maintain its secrecy (R.C. 1333.61(D), not in the bill).