

As Introduced

131st General Assembly

Regular Session

2015-2016

S. B. No. 152

Senator Uecker

Cosponsors: Senators Seitz, Jones, Hottinger, Jordan, Lehner

A BILL

To enact section 9.49 and to repeal sections 1
153.013 and 5525.26 of the Revised Code to 2
prohibit a public authority from requiring a 3
contractor to employ a certain percentage of 4
individuals from the geographic area of the 5
public authority for the construction or 6
professional design of a public improvement. 7

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

Section 1. That section 9.49 of the Revised Code be 8
enacted to read as follows: 9

Sec. 9.49. (A) As used in this section: 10

(1) "Construction manager" and "construction manager at 11
risk" have the same meanings as in section 9.33 of the Revised 12
Code. 13

(2) "Contractor" means a person who undertakes to 14
construct, alter, erect, improve, repair, demolish, remove, dig, 15
drill, or provide professional design services for any part of a 16
structure or public improvement. "Contractor" may include any 17
public or business association and any person or entity that 18

actively participates in whole or in part in the actual 19
construction of a public improvement or provision of 20
professional design services by itself, through the use of 21
employees, or through the use of a construction manager, 22
construction manager at risk, professional design firm, design- 23
build firm, general contractor, or subcontractor. 24

(3) "Design-build firm" has the same meaning as in section 25
153.65 of the Revised Code. 26

(4) "Laborer" means a person who does any of the following 27
in furtherance of a public improvement: 28

(a) Performs manual labor or labor of a particular 29
occupation, trade, or craft; 30

(b) Uses tools or machinery of a particular occupation, 31
trade, or craft; 32

(c) Otherwise performs physical work in a particular 33
occupation, trade, or craft. 34

(5) "Professional design services" and "professional 35
design firm" have the same meanings as in section 153.65 of the 36
Revised Code. 37

(6) "Public authority" includes any of the following: 38

(a) The state; 39

(b) A county, township, municipal corporation, or any 40
other political subdivision of the state; 41

(c) Any public agency, authority, board, commission, 42
instrumentality, or special district of the state, a county, 43
township, municipal corporation, or other political subdivision 44
of the state; 45

(d) Any officer or agent of one of the entities listed in divisions (A) (6) (a) to (c) of this section who is authorized to enter into a contract for the construction of a public improvement or to construct a public improvement by the direct employment of labor. 46
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(7) "Public improvement" means any of the following: 51

(a) A road, bridge, highway, street, or tunnel; 52

(b) A waste water treatment system or water supply system; 53

(c) A solid waste disposal facility or a storm water and sanitary collection, storage, and treatment facility; 54
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(d) Any structure or work constructed by a public authority or by another person on behalf of a public authority pursuant to a contract with the public authority. 56
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(B) (1) No public authority shall require a contractor, as part of a prequalification process or for the construction of a specific public improvement or the provision of professional design services for that public improvement, to employ as laborers a certain number or percentage of individuals who reside within the defined geographic area or service area of the public authority. 59
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(2) No public authority shall provide a bid award bonus or preference to a contractor as an incentive to employ as laborers a certain number or percentage of individuals who reside within the defined geographic area or service area of the public authority. 66
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Section 2. That sections 153.013 and 5525.26 of the Revised Code are hereby repealed. 71
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Section 3. In enacting section 9.49 of the Revised Code in 73

this act, the General Assembly hereby declares its intent to 74
recognize both of the following: 75

(A) The inalienable and fundamental right of an individual 76
to choose where to live pursuant to Section 1 of Article I, Ohio 77
Constitution; 78

(B) Section 34 of Article II, Ohio Constitution, specifies 79
that laws may be passed providing for the comfort, health, 80
safety, and general welfare of all employees, and that no other 81
provision of the Ohio Constitution impairs or limits this power, 82
including Section 3 of Article XVIII, Ohio Constitution. 83

Section 4. The General Assembly finds, in enacting section 84
9.49 of the Revised Code in this act, that it is a matter of 85
statewide concern to generally allow the employees working on 86
Ohio's public improvement projects to choose where to live, and 87
that it is necessary in order to provide for the comfort, 88
health, safety, and general welfare of those employees to 89
generally prohibit public authorities from requiring 90
contractors, as a condition of accepting contracts for public 91
improvement projects, to employ a certain number or percentage 92
of individuals who reside in any specific area of the state. 93