

H. B. No. 246

As Introduced

_____ moved to amend as follows:

In line 13, after " <u>(B)</u> " insert " <u>"Business day" means a day of the</u>	1
<u>week excluding Saturday, Sunday, and a legal holiday as defined under</u>	2
<u>section 1.14 of the Revised Code.</u>	3
 <u>(C)</u> "	4
In line 23, delete " <u>(C)</u> " and insert " <u>(D)</u> "	5
In line 28, delete " <u>(D) (1)</u> " and insert " <u>(E) (1)</u> "	6
In line 35, delete " <u>(E)</u> " and insert " <u>(F)</u> "	7
In line 45, delete " <u>(F)</u> " and insert " <u>(G)</u> "	8
In line 58, delete " <u>(G)</u> " and insert " <u>(H)</u> "	9
In line 62, delete " <u>(H)</u> " and insert " <u>(I)</u> "	10
In line 127, delete " <u>(G)</u> " and insert " <u>(I)</u> "	11
In line 131, delete " <u>, after providing notice and</u> "	12
Delete line 132	13
In line 133, delete " <u>the Revised Code,</u> "; delete " <u>an order that does</u>	14



both" and insert "a notice of violation that does all" 15

In line 136, after "proof" insert "to the attorney general not later 16
than ten days after the notice is issued"; delete "any violation has been" 17

In line 137, delete "corrected" and insert "individuals employed by 18
the contractor, subcontractor, or labor broker are authorized to be 19
employed under the federal "Immigration Reform and Control Act of 1986," 8 20
U.S.C. 1324a" 21

In line 138, delete "Imposes" and insert "Specifies"; delete "that 22
applies" and insert "assessed" 23

In line 139, after "section" insert "based on the attorney general's 24
determination;" 25

(3) If the attorney general determined it is likely the 26
contractor, subcontractor, or labor broker committed two or more 27
willful violations of section 4151.02 or 4151.03 of the Revised 28
Code, informs the contractor, subcontractor, or labor broker 29
that the contractor, subcontractor, or labor broker is 30
disqualified from bidding on or participating in any future 31
state contract for a period not to exceed two years; 32

(4) Notifies the contractor, subcontractor, or labor 33
broker of the contractor's, subcontractor's, or labor broker's 34
right to request a hearing described in division (F) of this 35
section" 36

In line 143, delete "order the contractor, subcontractor, or labor" 37

In line 144, delete "broker to pay" and insert "assess" 38

In line 145, after "violation" insert "against the contractor, 39
subcontractor, or labor broker" 40

In line 148, delete "order the contractor, subcontractor, or labor 41

<u>broker to"</u>	42
In line 149, delete " <u>pay</u> " and insert " <u>assess</u> "; after " <u>violation</u> "	43
insert " <u>against the contractor, subcontractor, or labor broker</u> "	44
In line 156, delete " <u>order the contractor, subcontractor, or labor</u>	45
<u>broker to"</u>	46
In line 157, delete " <u>pay</u> " and insert " <u>assess</u> "; after " <u>violation</u> "	47
insert " <u>against the contractor, subcontractor, or labor broker</u> "	48
In line 163, delete " <u>order the</u> "	49
In line 164, delete " <u>contractor, subcontractor, or labor broker to</u>	50
<u>pay</u> " and insert " <u>assess</u> "	51
In line 165, after " <u>violation</u> " insert " <u>against the contractor,</u>	52
<u>subcontractor, or labor broker</u> "	53
In line 171, delete " <u>order the contractor, subcontractor, or</u> "	54
In line 172, delete " <u>labor broker to pay</u> " and insert " <u>assess</u> "	55
In line 173, after " <u>violation</u> " insert " <u>against the contractor,</u>	56
<u>subcontractor, or labor broker</u> "	57
In line 178, delete " <u>order the contractor,</u> "	58
In line 179, delete " <u>subcontractor, or labor broker to pay</u> " and	59
insert " <u>assess</u> "	60
In line 180, after " <u>violation</u> " insert " <u>against the contractor,</u>	61
<u>subcontractor, or labor broker</u> "	62
In line 181, after " <u>(F)</u> " insert " <u>Notwithstanding the thirty-day</u>	63
<u>period to request a hearing described in section 119.07 of the Revised</u>	64
<u>Code, a contractor, subcontractor, or labor broker may request an</u>	65
<u>adjudicatory hearing not more than ten business days after being served a</u>	66

notice of violation under division (D) of this section. A contractor, 67
subcontractor, or labor broker shall send the request to the attorney 68
general, who shall forward the request to the director of commerce. The 69
director, or the director's designee, shall conduct a hearing under this 70
division. Except as provided in this division, the director or designee 71
shall comply with Chapter 119. of the Revised Code. A determination made 72
by the director or the director's designee is a final order that may be 73
appealed under section 119.12 of the Revised Code. 74

If a contractor, subcontractor, or labor broker fails to 75
request a hearing within the time specified in this division, a 76
notice of violation issued under division (D) of this section 77
becomes an enforceable order against the contractor, 78
subcontractor, or labor broker. 79

(G) (1) If a notice of violation that includes a 80
disqualification described in division (D) (3) of this section 81
becomes an enforceable order under division (F) of this section, 82
the attorney general shall provide a copy of the order to the 83
director of administrative services. The director shall add the 84
contractor, subcontractor, or labor broker to the list 85
maintained by the director under division (C) (1) of section 86
4151.05 of the Revised Code. 87

Except as provided in division (G) (2) of this section, 88
after the period of disqualification in the order ends, the 89
contractor, subcontractor, or labor broker may be eligible to 90
bid for and participate in state contracts if the contractor, 91
subcontractor, or labor broker files a sworn affidavit with the 92
director of administrative services stating that the period of 93
disqualification has ended and that the contractor, 94
subcontractor, or labor broker has not violated section 4151.02 95

<u>or 4151.03 of the Revised Code during the period of</u>	96
<u>disqualification.</u>	97
<u>(2) The director shall not remove a contractor,</u>	98
<u>subcontractor, or labor broker from the list maintained under</u>	99
<u>division (C) (1) of section 4151.05 of the Revised Code if the</u>	100
<u>contractor, subcontractor, or labor broker has not paid a fine</u>	101
<u>assessed under this section.</u>	102
<u>(H) "</u>	103
In line 182, delete " <u>issued by the attorney general</u> " and insert	104
" <u>that has become enforceable</u> "	105
In line 183, delete " <u>(D)</u> " and insert " <u>(F)</u> "; delete " <u>the</u> "	106
In line 184, delete " <u>attorney general issues the order</u> " and insert	107
" <u>the order is enforceable</u> "	108
In line 190, delete " <u>(G)</u> " and insert " <u>(I)</u> "; delete " <u>an order</u> " and	109
insert " <u>a notice of violation</u> "	110
In line 196, delete " <u>issued by the attorney</u> "	111
In line 197, delete " <u>general</u> " and insert " <u>that has become</u>	112
<u>enforceable against the contractor, subcontractor, or labor broker</u> ";	113
delete " <u>(D)</u> " and insert " <u>(F)</u> "	114
In line 198, delete " <u>within the period specified in division (F) of</u>	115
<u>that</u> "	116
In line 199, delete " <u>section</u> "	117
In line 215, after " <u>any</u> " insert " <u>future</u> "	118
In line 216, after " <u>of</u> " insert " <u>up to</u> "	119
In line 220, delete " <u>two-year</u> "; after " <u>period</u> " insert " <u>of</u>	120
<u>disqualification</u> "	121

In line 225, delete "two years or more have elapsed since the order" 122

In line 226, delete "described in division (B) (1) (b) of this
section" and insert "the period of disqualification has elapsed" 123
124

In line 228, delete "the two-" 125

In line 229, delete "year" and insert "that" 126

The motion was _____ agreed to.

SYNOPSIS

Enforcement and penalties

R.C. 4151.04 and 4151.05

Requires the Attorney General to issue a notice of
violation, rather than an order, after determining that
reasonable evidence exists that a violation of the bill has
occurred.

Requires a notice of violation to do all of the following:

--Direct the contractor, subcontractor, or labor broker to
provide satisfactory proof that employees are authorized to work
under federal immigration law (currently, the bill requires a
contractor, subcontractor, or labor broker to provide proof that
any violation has been corrected);

--Specify the applicable penalty (currently, the bill
requires the order issued by the Attorney General to do this);

--Inform a contractor, subcontractor, or labor broker that
two or more willful violations of the bill results in suspension

from state contracts (currently, the bill requires a court to	144
order the suspension);	145
--Inform the contractor, subcontractor, or labor broker of	146
the right to a hearing (currently, the bill requires the order	147
to provide this information in accordance with the	148
Administrative Procedure Act (APA));	149
Requires a contractor, subcontractor, or labor broker	150
issued a notice of violation to request a hearing no more than	151
ten business days after being served (currently, the bill allows	152
a hearing to be requested within 30 days of service in	153
accordance with the APA).	154
Requires the Director of Commerce or the Director's	155
designee to conduct the hearing, rather than the Attorney	156
General.	157
Makes a notice of violation an enforceable order if the	158
contractor, subcontractor, or labor broker against whom it is	159
issued fails to request a hearing within the specified period.	160
Changes the suspension period from state contracts from	161
two years to a maximum of two years.	162
Specifies that disqualification from state contracts only	163
applies to future contracts.	164