

As Introduced

131st General Assembly

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H. B. No. 262

**Representatives Stinziano, Johnson, G.
Cosponsors: Representatives Antonio, Ashford, Craig, Howse, Leland,
Lepore-Hagan, Ramos, Sheehy, Smith, K., Sykes**

A BILL

To amend section 4112.04 and to enact section 1
4112.16 of the Revised Code to allow a municipal 2
corporation to request assistance from the Ohio 3
Civil Rights Commission in receiving, 4
investigating, passing upon, and enforcing 5
alleged violations of an ordinance of the 6
municipal corporation that prohibits 7
discrimination and to require the Ohio Civil 8
Rights Commission to provide the assistance if 9
the resources necessary are available. 10

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

Section 1. That section 4112.04 be amended and section 11
4112.16 of the Revised Code be enacted to read as follows: 12

Sec. 4112.04. (A) The commission shall do all of the 13
following: 14

(1) Establish and maintain a principal office in the city 15
of Columbus and any other offices within the state that it 16
considers necessary; 17

(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.

(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;

(4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;

(5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;

(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;

(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry on the enjoyment of civil rights by persons within the state;

(8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A) (7) of this section and shall include the recommendations of the commission as to legislative or other remedial action;

(9) Prepare a comprehensive educational program, in

cooperation with the department of education, for the students 47
of the public schools of this state and for all other residents 48
of this state that is designed to eliminate prejudice on the 49
basis of race, color, religion, sex, military status, familial 50
status, national origin, disability, age, or ancestry in this 51
state, to further good will among those groups, and to emphasize 52
the origin of prejudice against those groups, its harmful 53
effects, and its incompatibility with American principles of 54
equality and fair play; 55

(10) Receive progress reports from agencies, 56
instrumentalities, institutions, boards, commissions, and other 57
entities of this state or any of its political subdivisions and 58
their agencies, instrumentalities, institutions, boards, 59
commissions, and other entities regarding affirmative action 60
programs for the employment of persons against whom 61
discrimination is prohibited by this chapter, or regarding any 62
affirmative housing accommodations programs developed to 63
eliminate or reduce an imbalance of race, color, religion, sex, 64
military status, familial status, national origin, disability, 65
or ancestry. All agencies, instrumentalities, institutions, 66
boards, commissions, and other entities of this state or its 67
political subdivisions, and all political subdivisions, that 68
have undertaken affirmative action programs pursuant to a 69
conciliation agreement with the commission, an executive order 70
of the governor, any federal statute or rule, or an executive 71
order of the president of the United States shall file progress 72
reports with the commission annually on or before the first day 73
of November. The commission shall analyze and evaluate the 74
progress reports and report its findings annually to the general 75
assembly on or before the thirtieth day of January of the year 76
immediately following the receipt of the reports. 77

<u>(11) Provide assistance to a municipal corporation</u>	78
<u>pursuant to section 4112.16 of the Revised Code.</u>	79
(B) The commission may do any of the following:	80
(1) Meet and function at any place within the state;	81
(2) Initiate and undertake on its own motion	82
investigations of problems of employment or housing	83
accommodations discrimination;	84
(3) Hold hearings, subpoena witnesses, compel their	85
attendance, administer oaths, take the testimony of any person	86
under oath, require the production for examination of any books	87
and papers relating to any matter under investigation or in	88
question before the commission, and make rules as to the	89
issuance of subpoenas by individual commissioners.	90
(a) In conducting a hearing or investigation, the	91
commission shall have access at all reasonable times to	92
premises, records, documents, individuals, and other evidence or	93
possible sources of evidence and may examine, record, and copy	94
the premises, records, documents, and other evidence or possible	95
sources of evidence and take and record the testimony or	96
statements of the individuals as reasonably necessary for the	97
furtherance of the hearing or investigation. In investigations,	98
the commission shall comply with the fourth amendment to the	99
United States Constitution relating to unreasonable searches and	100
seizures. The commission or a member of the commission may issue	101
subpoenas to compel access to or the production of premises,	102
records, documents, and other evidence or possible sources of	103
evidence or the appearance of individuals, and may issue	104
interrogatories to a respondent, to the same extent and subject	105
to the same limitations as would apply if the subpoenas or	106

interrogatories were issued or served in aid of a civil action 107
in a court of common pleas. 108

(b) Upon written application by a party to a hearing under 109
division (B) of section 4112.05 of the Revised Code, the 110
commission shall issue subpoenas in its name to the same extent 111
and subject to the same limitations as subpoenas issued by the 112
commission. Subpoenas issued at the request of a party shall 113
show on their face the name and address of the party and shall 114
state that they were issued at the party's request. 115

(c) Witnesses summoned by subpoena of the commission are 116
entitled to the witness and mileage fees provided for under 117
section 119.094 of the Revised Code. 118

(d) Within five days after service of a subpoena upon any 119
person, the person may petition the commission to revoke or 120
modify the subpoena. The commission shall grant the petition if 121
it finds that the subpoena requires an appearance or attendance 122
at an unreasonable time or place, that it requires production of 123
evidence that does not relate to any matter before the 124
commission, that it does not describe with sufficient 125
particularity the evidence to be produced, that compliance would 126
be unduly onerous, or for other good reason. 127

(e) In case of contumacy or refusal to obey a subpoena, 128
the commission or person at whose request it was issued may 129
petition for its enforcement in the court of common pleas in the 130
county in which the person to whom the subpoena was addressed 131
resides, was served, or transacts business. 132

(4) Create local or statewide advisory agencies and 133
conciliation councils to aid in effectuating the purposes of 134
this chapter. The commission may itself, or it may empower these 135

agencies and councils to, do either or both of the following: 136

(a) Study the problems of discrimination in all or 137
specific fields of human relationships when based on race, 138
color, religion, sex, military status, familial status, national 139
origin, disability, age, or ancestry; 140

(b) Foster through community effort, or otherwise, good 141
will among the groups and elements of the population of the 142
state. 143

The agencies and councils may make recommendations to the 144
commission for the development of policies and procedures in 145
general. They shall be composed of representative citizens who 146
shall serve without pay, except that reimbursement for actual 147
and necessary traveling expenses shall be made to citizens who 148
serve on a statewide agency or council. 149

(5) Issue any publications and the results of 150
investigations and research that in its judgment will tend to 151
promote good will and minimize or eliminate discrimination 152
because of race, color, religion, sex, military status, familial 153
status, national origin, disability, age, or ancestry. 154

Sec. 4112.16. (A) A municipal corporation may request 155
assistance from the Ohio civil rights commission in receiving, 156
investigating, passing upon, and enforcing alleged violations of 157
an ordinance of the municipal corporation that prohibits 158
discrimination. 159

(B) The commission shall provide assistance requested 160
under this section so long as both of the following apply: 161

(1) The assistance is consistent with the commission's 162
authority to receive, investigate, pass upon, and enforce 163
prohibitions against unlawful discriminatory practices pursuant 164

to sections 4112.05 and 4112.051 of the Revised Code, except 165
that, for purposes of this division, the commission is not 166
limited to the unlawful discriminatory practices described in 167
section 4112.02 of the Revised Code. 168

(2) The commission has the resources necessary to provide 169
the assistance. 170

Section 2. That existing section 4112.04 of the Revised 171
Code is hereby repealed. 172

Section 3. Section 4112.04 of the Revised Code is 173
presented in this act as a composite of the section as amended 174
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 175
Sub. H.B. 1 of the 128th General Assembly. The General Assembly, 176
applying the principle stated in division (B) of section 1.52 of 177
the Revised Code that amendments are to be harmonized if 178
reasonably capable of simultaneous operation, finds that the 179
composite is the resulting version of the section in effect 180
prior to the effective date of the section as presented in this 181
act. 182