

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. J. R. No. 10**

**Representatives Becker, Riedel**

**Cosponsors: Representatives Thompson, Brinkman, Dean, Roegner,  
Zeltwanger, Lang**

---

**A JOINT RESOLUTION**

Proposing to enact Section 2 of Article XV of the 1  
Constitution of the State of Ohio to prohibit certain 2  
requirements or prohibitions regarding labor 3  
agreements in government contracts. 4

Be it resolved by the General Assembly of the State of 5  
Ohio, three-fifths of the members elected to each house 6  
concurring herein, that there shall be submitted to the electors 7  
of the state, in the manner prescribed by law at the general 8  
election to be held on November 3, 2020, a proposal to enact 9  
Section 2 of Article XV of the Constitution of the State of Ohio 10  
to read as follows: 11

**ARTICLE XV** 12

**Section 2. (A) As used in this section:** 13

(1) "Public authority" means any of the following: 14

(a) The state; 15

(b) A political subdivision; 16

(c) A public agency, authority, board, commission, or instrumentality of the state or a political subdivision. 17  
18

(2) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. 19  
20  
21  
22

(3) "Labor organization" means a labor union; an employee organization; a federation of labor unions, groups, locals, or other employee organizations; an auxiliary of a labor union, employee organization, or federation of labor unions, groups, locals, or other employee organizations; or any other bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, and other terms and conditions of employment. 23  
24  
25  
26  
27  
28  
29  
30  
31

(4) "Public improvement" means any of the following: 32

(a) A road, bridge, highway, street, or tunnel; 33

(b) A waste water treatment system or water supply system; 34

(c) A solid waste disposal facility or a storm water and sanitary collection, storage, and treatment facility; 35  
36

(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. 37  
38  
39

(B) Except as provided in divisions (D) and (E) of this section, a public authority awarding a contract on or after the effective date of this section for the construction, repair, remodeling, or demolition of a public improvement, and any person authorized to act on behalf of the public authority, 40  
41  
42  
43  
44

shall not do any of the following in any bid specification, 45  
project agreement, or other controlling document: 46

(1) Require a bidder, contractor, or subcontractor to 47  
enter into or adhere to an agreement with a labor organization 48  
for the public improvement project or a related construction 49  
project; 50

(2) Prohibit a bidder, contractor, or subcontractor from 51  
entering into or adhering to an agreement with a labor 52  
organization for the public improvement project or a related 53  
construction project; 54

(3) Otherwise discriminate against a bidder, contractor, 55  
or subcontractor for participating in or refusing to participate 56  
in an agreement with a labor organization for the project or a 57  
related construction project. 58

(C) Except as provided in division (D) and (E) of this 59  
section, a public authority shall not award a grant, tax 60  
abatement, or tax credit that is conditioned on a requirement 61  
that the recipient include a term described in division (B) of 62  
this section in a contract document for the construction, 63  
improvement, maintenance, or renovation of real property or 64  
fixtures that are the subject of the grant, tax abatement, or 65  
tax credit. 66

(D) Divisions (B) and (C) of this section do not prohibit 67  
either of the following: 68

(1) A public authority from awarding a contract, grant, 69  
tax abatement, or tax credit to a private owner, bidder, 70  
contractor, or subcontractor who enters into or who is party to 71  
an agreement with a labor organization, if entering into or 72  
adhering to an agreement with a labor organization for the 73

project is not a condition for award of the contract, grant, tax 74  
abatement, or tax credit, and if the public authority does not 75  
discriminate against a private owner, bidder, contractor, or 76  
subcontractor in the awarding of that contract, grant, tax 77  
abatement, or tax credit based on a party's status as or 78  
willingness to become a party to an agreement with a labor 79  
organization; 80

(2) A contractor or subcontractor from voluntarily 81  
entering into or complying with an agreement entered into with a 82  
labor organization for a contract with a public authority or 83  
funded in whole or in part from a grant, tax abatement, or tax 84  
credit from the public authority. 85

(E)(1) A project, contract, subcontract, grant, tax 86  
abatement, or tax credit is exempt from divisions (B) and (C) of 87  
this section if the public authority awarding the project, 88  
contract, subcontract, grant, tax abatement, or tax credit 89  
finds, after public notice and a hearing, that special 90  
circumstances require an exemption to avert an imminent threat 91  
to public health or safety. 92

(2) A public authority shall not base a finding of special 93  
circumstances under division (E)(1) of this section on the 94  
possibility or presence of a labor dispute concerning either of 95  
the following: 96

(a) The use of contractors or subcontractors who are not 97  
parties to, or who do not otherwise adhere to, an agreement with 98  
a labor organization; 99

(b) The use of employees on the project who are not 100  
members of or affiliated with a labor organization. 101

(F) This section shall not be construed to do either of 102

<u>the following:</u>	103
<u>(1) Prohibit an employer or other party from entering into</u>	104
<u>an agreement or engaging in any other activity protected by the</u>	105
<u>"National Labor Relations Act of 1935," 29 U.S.C. 151 et seq.,</u>	106
<u>as amended;</u>	107
<u>(2) Interfere with labor relations of parties that are</u>	108
<u>left unregulated under the "National Labor Relations Act of</u>	109
<u>1935," 29 U.S.C. 151 et seq., as amended.</u>	110
EFFECTIVE DATE	111
If adopted by a majority of the electors voting on this	112
proposal, Section 2 of Article XV of the Constitution of the	113
State of Ohio takes effect immediately.	114