

As Introduced

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

H. J. R. No. 9

Representatives Becker, Riedel

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

A JOINT RESOLUTION

Proposing to enact Section 43 of Article II of the 1
Constitution of the State of Ohio to prohibit a public 2
authority from requiring a contractor on a public 3
improvement to pay the contractor's workers the 4
prevailing rate of wages for work performed on the 5
public improvement. 6

Be it resolved by the General Assembly of the State of 7
Ohio, three-fifths of the members elected to each house 8
concurring herein, that there shall be submitted to the electors 9
of the state, in the manner prescribed by law at the general 10
election to be held on November 3, 2020, a proposal to enact 11
Section 43 of Article II of the Constitution of the State of 12
Ohio to read as follows: 13

ARTICLE II 14

Section 43. (A) As used in this section: 15

(1) "Public authority" means any of the following: 16

(a) The state; 17

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|---|----------------------------------|
| <u>(b) A political subdivision;</u> | 18 |
| <u>(c) An officer, board, or commission of the state or a political subdivision that is authorized to enter into a contract for the construction of a public improvement.</u> | 19 20 21 |
| <u>(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.</u> | 22 23 24 25 |
| <u>(3) "Public improvement" means a building, road, street, alley, sewer, ditch, sewage disposal plant, water works, or any other structure or work constructed by a public authority or by a contractor for a public authority.</u> | 26 27 28 29 |
| <u>(4) "Construction" means any new construction, reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of a public improvement.</u> | 30 31 32 |
| <u>(B) No public authority shall require a contractor on a public improvement to pay the contractor's workers a wage rate that is based on the prevailing rate of wages for workers in the same trade or occupation called for by the public improvement in the locality where work on the public improvement is to be performed.</u> | 33 34 35 36 37 38 |
| <u>(C) Nothing in this section shall be construed as doing either of the following:</u> | 39 40 |
| <u>(1) Permitting a contractor to pay the contractor's workers a wage rate that is less than the rate of wages required by Section 34a of Article II of the Constitution of the State of Ohio or the federal Fair Labor Standards Act, 29 U.S.C. 201 et seq., or its successor law, as applicable;</u> | 41 42 43 44 45 |

(2) Permitting a contractor to fail to comply with any 46
federal law requiring the prevailing rate of wages to be paid on 47
a public improvement. 48

(D) This section applies to a contract entered into on or 49
after the effective date of this section. 50

EFFECTIVE DATE 51

If adopted by a majority of the electors voting on this 52
proposal, the enactment of Section 43 of Article II of the 53
Constitution of the State of Ohio takes effect immediately. 54