

As Introduced

134th General Assembly

Regular Session

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S. B. No. 105

Senators Sykes, Schuring

**Cosponsors: Senators Antonio, Craig, Fedor, Huffman, S., Maharath, Thomas,
Williams, Yuko**

A BILL

To amend section 123.151 of the Revised Code to 1
require political subdivisions to recognize 2
state certifications of minority business 3
enterprises. 4

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

Section 1. That section 123.151 of the Revised Code be 5
amended to read as follows: 6

Sec. 123.151. (A) As used in this section, "minority 7
business enterprise" has the same meaning as in division (E) (1) 8
of section 122.71 of the Revised Code. 9

(B) (1) The director of administrative services shall make 10
rules in accordance with Chapter 119. of the Revised Code 11
establishing procedures by which minority businesses may apply 12
to the equal employment opportunity coordinator for 13
certification as minority business enterprises. 14

(2) The coordinator shall approve the application of any 15
minority business enterprise that complies with the rules 16
adopted under this division. Any person adversely affected by an 17

order of the coordinator denying certification as a minority 18
business enterprise may appeal as provided in Chapter 119. of 19
the Revised Code. The coordinator shall prepare and maintain a 20
list of certified minority business enterprises. 21

(C) The department of administrative services, every other 22
state agency authorized to enter into contracts for construction 23
or contracts for purchases of equipment, materials, supplies, 24
insurance, or services, and every port authority shall file a 25
report every ninety days with the equal employment opportunity 26
coordinator. The report shall be filed at a time and in a form 27
prescribed by the coordinator. The report shall include the name 28
of each minority business enterprise that the agency or port 29
authority entered into a contract with during the preceding 30
ninety-day period and the total value and type of each such 31
contract. No later than thirty days after the end of each fiscal 32
year, the coordinator shall notify in writing each state agency 33
and port authority that has not complied with the reporting 34
requirements of this division for the prior fiscal year. A copy 35
of this notification regarding a state agency shall be submitted 36
to the director of budget and management. No later than thirty 37
days after the notification, the agency or port authority shall 38
submit to the coordinator the information necessary to comply 39
with the reporting requirements of this division. 40

If, after the expiration of this thirty-day period, a 41
state agency has not complied with the reporting requirements of 42
this division, the coordinator shall certify to the director of 43
budget and management that the agency has not complied with the 44
reporting requirements. A copy of this certification shall be 45
submitted to the agency. Thereafter, no funds of the agency 46
shall be expended during the fiscal year for construction or 47
purchases of equipment, materials, supplies, contracts of 48

insurance, or services until the coordinator certifies to the 49
director of budget and management that the agency has complied 50
with the reporting requirements of this division for the prior 51
fiscal year. 52

If any port authority has not complied with the reporting 53
requirement after the expiration of the thirty-day period, the 54
coordinator shall certify to the speaker of the house of 55
representatives and the president of the senate that the port 56
authority has not complied with the reporting requirements of 57
this division. A copy of this certification shall be submitted 58
to the port authority. Upon receipt of the certification, the 59
speaker of the house of representatives and the president of the 60
senate shall take such action or make such recommendations to 61
the members of the general assembly as they consider necessary 62
to correct the situation. 63

(D) (1) Any person who has been certified as a minority 64
business enterprise under this section may present the person's 65
certification to a political subdivision as evidence that that 66
person is eligible to participate in any public initiatives or 67
strategies that the political subdivision has established to 68
increase minority participation, representation, or inclusion in 69
business opportunities, and in any programs the political 70
subdivision may have that set aside a certain amount of public 71
contracts to reward to any of the economically disadvantaged 72
groups listed in division (E) (1) of section 122.71 of the 73
Revised Code. 74

(2) When considering this evidence, a political 75
subdivision shall defer to the department's determination that 76
the person is both of the following: 77

(a) A member of the economically disadvantaged group 78

indicated on the certification; 79

(b) An owner of at least fifty-one per cent of the 80
business, including corporate stock if a corporation, and has 81
control over the management and day-to-day operations of the 82
business and an interest in the capital, assets, and profits and 83
losses of the business proportionate to the person's percentage 84
of ownership. 85

Section 2. That existing section 123.151 of the Revised 86
Code is hereby repealed. 87