



H.B. 80

126th General Assembly
(As Introduced)

Reps. G. Smith, Flowers, Hartnett, Calvert, Hagan

BILL SUMMARY

- Prohibits the state from awarding a public improvement contract unless its terms require the contractor to be enrolled in and be in good standing in the Bureau of Workers' Compensation's Drug-Free Workplace Program or a comparable drug-free workplace program.

CONTENT AND OPERATION

Requirement that a contractor participate in a drug-free workplace program

The bill prohibits a contracting authority¹ from awarding a public improvement contract to a contractor unless the terms of the contract require the contractor to be enrolled in and be in good standing in (1) the Drug-Free Workplace Program of the Bureau of Workers' Compensation or (2) a comparable program that the Bureau approves, and that meets the minimum requirements of the Bureau's drug-free workplace program. A contracting authority must ensure that money appropriated by the General Assembly for its public improvement contract, or in the case of a state institution of higher education, its financing for the public improvement contract is not expended unless each contractor for that contract is enrolled in and in good standing in such a program. A contracting authority need verify only once during the term of a public improvement contract that each contractor for the contract is enrolled and in good standing in such a program. (R.C. 153.73(B).)

¹ Although the bill applies to state contracting authorities generally, some state authorities are exempt from the Public Improvements Law (Chapter 153. of the Revised Code) and thus would be exempt from the bill's requirements. Some examples of the exempted authorities include the Capitol Square Review and Advisory Board and the Ohio Arts and Sports Facilities Commission (for certain contracts) (R.C. 105.41, 3383.07, and 3383.08, not in the bill).

Definitions

The bill defines a "contracting authority" as any state agency or other state instrumentality that is authorized to award a public improvement contract; a "contractor" to include each construction manager, construction contractor, or subcontractor providing labor services (see below), lease labor, or manpower, for a public improvement contract; "labor services" as any construction services performed on the site of the construction, alteration, or repair of a public building, public highway, or other public improvement; a "public improvement contract" as any contract that is financed in whole or in part with money appropriated by the General Assembly, or that is financed in any manner by a contracting authority that is a state institution of higher education, and that is awarded by a contracting authority for the construction, alteration, or repair of any public building, public highway, or other public improvement; and "state agency" as every organized body, office, or agency established by Ohio law for the exercise of any function of state government (R.C. 153.73(A)).

Statement of legislative intent

The bill states that the General Assembly intends the drug-free workplace programs required by the bill to be of assistance in ensuring that public buildings, public highways, and other public improvements of the state are constructed, altered, or repaired in a manner that protects the safety of Ohio's citizens (R.C. 153.731).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-23-05	pp. 232-233

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