

As Reported by the House State Government Committee

125th General Assembly

Regular Session

2003-2004

Am. Sub. S. B. No. 97

**Senators Mallory, Brady, Carey, Dann, DiDonato, Fedor, Fingerhut,
Goodman, Herington, Prentiss, Schuler, Stivers, Armbruster, Austria,
Blessing, Miller, Nein, Schuring, Harris, Robert Gardner, White, Spada,
Jacobson, Randy Gardner, Hottinger, Jordan
Representatives Carmichael, Flowers, Cates, Buehrer, Trakas, Key**

A B I L L

To amend sections 153.59, 153.591, 3911.16, and 1
3911.17 of the Revised Code to remove the terms 2
"colored persons" and "Negroes" from the Revised 3
Code and to broaden the application of the 4
existing prohibition against discrimination in the 5
sale and cost of life insurance to include all 6
races. 7

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

Section 1. That sections 153.59, 153.591, 3911.16, and 8
3911.17 of the Revised Code be amended to read as follows: 9

Sec. 153.59. Every contract for or on behalf of the state, or 10
any township, county, or municipal corporation of the state, for 11
the construction, alteration, or repair of any public building or 12
public work in the state shall contain provisions by which the 13
contractor agrees to both of the following: 14

(A) That, in the hiring of employees for the performance of 15
work under the contract or any subcontract, no contractor, 16

subcontractor, or any person acting on a contractor's or 17
subcontractor's behalf, by reason of race, creed, sex, disability 18
as defined in section 4112.01 of the Revised Code, or color, shall 19
discriminate against any citizen of the state in the employment of 20
labor or workers who is qualified and available to perform the 21
work to which the employment relates; 22

(B) That no contractor, subcontractor, or any person on a 23
contractor's or subcontractor's behalf, in any manner, shall 24
discriminate against or intimidate any employee hired for the 25
performance of work under the contract on account of race, ~~crede~~ 26
creed, sex, disability as defined in section 4112.01 of the 27
Revised Code, or color~~+~~. 28

~~(C)~~ The department of administrative services shall ensure 29
that no capital moneys appropriated by the general assembly for 30
any purpose shall be expended unless the project for which those 31
moneys are appropriated provides for an affirmative action program 32
for the employment and effective utilization of disadvantaged 33
persons whose disadvantage may arise from cultural, racial, or 34
ethnic background, or other similar cause, including, but not 35
limited to, race, religion, sex, disability as defined in section 36
4112.01 of the Revised Code, national origin, or ancestry. 37

In awarding contracts for capital improvement projects, the 38
department shall ensure that equal consideration be given to 39
contractors, subcontractors, or joint venturers who qualify as a 40
minority business enterprise. As used in this section, "minority 41
business enterprise" means a business enterprise that is owned or 42
controlled by one or more socially or economically disadvantaged 43
persons who are residents of this state. "Socially or economically 44
disadvantaged persons" means persons, regardless of marital 45
status, who are members of groups whose disadvantage may arise 46
from discrimination on the basis of race, religion, sex, 47
disability as defined in section 4112.01 of the Revised Code, 48

national origin, ~~or~~ ancestry, or other similar cause. ~~Such persons~~ 49
~~include, but are not limited to, Negroes, Puerto Ricans,~~ 50
~~Spanish speaking Americans, American Indians, Eskimos, and Aleuts.~~ 51

Sec. 153.591. Any provision of a hiring hall contract or 52
agreement which obligates a contractor to hire, if available, only 53
~~such~~ employees ~~as are~~ referred to ~~him~~ the contractor by a labor 54
organization shall be void as against public policy and 55
unenforceable with respect to employment under any public works 56
contract unless at the date of execution of ~~such~~ the hiring hall 57
contract or agreement, or within thirty days thereafter, ~~such~~ the 58
labor organization has in effect procedures for referring 59
qualified employees for hire without regard to race, color, 60
religion, national origin, or ancestry and unless ~~such~~ the labor 61
organization includes in its apprentice and ~~journeymen~~ 62
journeyperson's membership, or otherwise has available for job 63
referral without discrimination, qualified employees, both whites 64
and non-whites (including ~~Negroes~~ African-Americans). 65

Sec. 3911.16. No life insurance company organized or doing 66
business within this state shall: 67

(A) Make any distinction or discrimination ~~between white~~ 68
~~persons and colored persons, wholly or partially of African~~ 69
~~descent, on the basis of race~~ as to premiums or rates charged for 70
life insurance policies ~~upon the lives of such persons;~~ 71

(B) Demand or require greater premiums from ~~such colored~~ 72
~~persons than are at that time required by the company from white~~ 73
persons who are of different races and who are of the same age, 74
sex, general condition of health, and hope of longevity; 75

(C) Make or require any rebate, diminution, or discount on 76
the basis of race upon the sum to be paid on ~~such a life insurance~~ 77
policy in case of the death of ~~such colored~~ the person insured; 78

(D) Insert in the policy on the basis of race any condition 79
or ~~make any~~ stipulation by which ~~such colored a~~ person binds 80
~~himself self~~, or ~~his~~ the person's heirs, executors, 81
administrators, or assigns, to accept any sum less than the full 82
value or amount of ~~such~~ the policy in case of a claim accruing 83
thereon by reason of the death of the person insured, ~~other than~~ 84
~~such as are imposed upon white persons in similar cases.~~ 85

Any stipulation or condition described in division (D) of 86
this section so made or inserted is void. 87

~~Any such~~ If a life insurance company ~~which refuses the~~ 88
~~application of a colored person for~~ denies an applicant life 89
~~insurance upon his life shall furnish him with the certificate of~~ 90
~~some regular examining physician of the company, who has made~~ 91
~~examination of such person, stating that his application has been~~ 92
~~refused, not because he is a person of color, but solely upon such~~ 93
~~grounds of his general health and hope of longevity as would be~~ 94
~~applicable to white persons of the same age and sex~~ and the 95
applicant believes that the denial was on the basis of race, the 96
insurance company shall provide, upon the request of the 97
applicant, the specific reason or reasons for the denial, as 98
provided in section 3904.10 of the Revised Code, as well as an 99
affirmation that the denial was not on the basis of race. 100

Sec. 3911.17. No life insurance company organized or doing 101
business in this state, or an officer or agent thereof, shall 102
violate any law relating to ~~the distinction or~~ discrimination 103
~~between white persons and colored persons, wholly or partially of~~ 104
~~African descent, by demanding or receiving from a colored person a~~ 105
~~different or greater premium than from a white person, or~~ premiums 106
on the basis of race, by allowing a discount or rebate on the 107
basis of race upon a premium paid or to be paid by ~~a white person~~ 108
persons who are of the same age, sex, general condition of health, 109

and hope of longevity ~~of any colored person, or,~~ by making or 110
requiring a rebate, diminution, or discount from the sum to be 111
paid upon a policy ~~in case of an insured colored person on the~~ 112
basis of race, or by failing to furnish ~~a certificate of a regular~~ 113
~~examining physician of such company to such colored person~~ 114
information required under section 3904.10 or 3911.16 of the 115
Revised Code. 116

This section does not require a life insurance company, or an 117
agent thereof, to take or receive an application for insurance 118
from any person. 119

Section 2. That existing sections 153.59, 153.591, 3911.16, 120
and 3911.17 of the Revised Code are hereby repealed. 121