

**As Reported by the House Local and Municipal Government and
Urban Revitalization Committee**

**126th General Assembly
Regular Session
2005-2006**

Sub. S. B. No. 82

**Senators Grendell, Jacobson, Brady, Mumper
Representatives Wolpert, Bupp, Brinkman, Yuko, Fende, Domenick, Uecker,
Walcher, Collier**

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A B I L L

To enact section 9.481 of the Revised Code to 1
generally prohibit political subdivisions from 2
imposing residency requirements on certain 3
employees. 4

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

Section 1. That section 9.481 of the Revised Code be enacted 5
to read as follows: 6

Sec. 9.481. (A) As used in this section: 7

(1) "Political subdivision" has the same meaning as in 8
section 2743.01 of the Revised Code. 9

(2) "Volunteer" means a person who is not paid for service or 10
who is employed on less than a permanent full-time basis. 11

(B)(1) Except as otherwise provided in division (B)(2) of 12
this section, no political subdivision shall require any of its 13
employees, as a condition of employment, to reside in any specific 14
area of the state. 15

(2)(a) Division (B)(1) of this section does not apply to a 16

volunteer.

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(b) To ensure adequate response times by certain employees of political subdivisions to emergencies or disasters while ensuring that those employees generally are free to reside throughout the state, the electors of any political subdivision may file an initiative petition to submit a local law to the electorate, or the legislative authority of the political subdivision may adopt an ordinance or resolution, that requires any individual employed by that political subdivision, as a condition of employment, to reside either in the county where the political subdivision is located or in any adjacent county in this state. For the purposes of this section, an initiative petition shall be filed and considered as provided in sections 731.28 and 731.31 of the Revised Code, except that the fiscal officer of the political subdivision shall take the actions prescribed for the auditor or clerk if the political subdivision has no auditor or clerk, and except that references to a municipal corporation shall be considered to be references to the applicable political subdivision.

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(C) Except as otherwise provided in division (B)(2) of this section, employees of political subdivisions of this state have the right to reside any place they desire.

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Section 2. In enacting section 9.481 of the Revised Code in this act, the General Assembly hereby declares its intent to recognize both of the following:

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(A) The inalienable and fundamental right of an individual to choose where to live pursuant to Section 1 of Article I, Ohio Constitution.

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(B) Section 34 of Article II, Ohio Constitution, specifies that laws may be passed providing for the comfort, health, safety,

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and general welfare of all employees, and that no other provision 47
of the Ohio Constitution impairs or limits this power, including 48
Section 3 of Article XVIII, Ohio Constitution. 49

Section 3. The General Assembly finds, in enacting section 50
9.481 of the Revised Code in this act, that it is a matter of 51
statewide concern to generally allow the employees of Ohio's 52
political subdivisions to choose where to live, and that it is 53
necessary to generally prohibit political subdivisions from 54
requiring their employees, as a condition of employment, to reside 55
in any specific area of the state in order to provide for the 56
comfort, health, safety, and general welfare of those public 57
employees. 58