

**As Reported by the Senate State and Local Government and
Veterans Affairs Committee**

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

Sub. S. B. No. 82

Senators Grendell, Jacobson, Brady, Mumper

—

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. 17

(b) To ensure adequate response times by certain employees of 18

political subdivisions to emergencies or disasters while ensuring 19
that those employees generally are free to reside throughout the 20
state, the electors of any political subdivision may file an 21
initiative petition to submit a local law to the electorate, or 22
the legislative authority of the political subdivision may adopt 23
an ordinance or resolution, that requires any individual employed 24
by that political subdivision, as a condition of employment, to 25
reside either in the county where the political subdivision is 26
located or in any adjacent county in this state. For the purposes 27
of this section, an initiative petition shall be filed and 28
considered as provided in sections 731.28 and 731.31 of the 29
Revised Code, except that the fiscal officer of the political 30
subdivision shall take the actions prescribed for the auditor or 31
clerk if the political subdivision has no auditor or clerk, and 32
except that references to a municipal corporation shall be 33
considered to be references to the applicable political 34
subdivision. 35

(C) Except as otherwise provided in division (B)(2) of this 36
section, employees of political subdivisions of this state have 37
the right to reside any place they desire. 38

Section 2. In enacting section 9.481 of the Revised Code in 39
this act, the General Assembly hereby declares its intent to 40
recognize both of the following: 41

(A) The inalienable and fundamental right of an individual to 42
choose where to live pursuant to Section 1 of Article I, Ohio 43
Constitution. 44

(B) Section 34 of Article II, Ohio Constitution, specifies 45
that laws may be passed providing for the comfort, health, safety, 46
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