

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**H. B. No. 374**

**Representative Reece**

**Cosponsors: Representatives Ashford, Boyd, Williams, Antonio, Murray,  
Letson**

**—**

**A BILL**

To amend section 123.151 of the Revised Code to 1  
provide that the state certification for minority 2  
business enterprises satisfies any similar 3  
minority business certification requirement 4  
imposed by a political subdivision. 5

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

**Section 1.** That section 123.151 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 123.151.** (A) As used in this section: 8

(1) "minority Minority business enterprise" has the same 9  
meaning as in division (E)(1) of section 122.71 of the Revised 10  
Code; 11

(2) "Political subdivision" has the same meaning as in 12  
section 2744.01 of the Revised Code. 13

(B)(1) The director of administrative services shall make 14  
rules in accordance with Chapter 119. of the Revised Code 15  
establishing procedures by which minority businesses may apply to 16  
the equal employment opportunity coordinator for certification as 17

minority business enterprises. 18

(2) The coordinator shall approve the application of any 19  
minority business enterprise that complies with the rules adopted 20  
under this division. Any person adversely affected by an order of 21  
the coordinator denying certification as a minority business 22  
enterprise may appeal as provided in Chapter 119. of the Revised 23  
Code. The coordinator shall prepare and maintain a list of 24  
certified minority business enterprises. 25

(C) The department of administrative services, every other 26  
state agency authorized to enter into contracts for construction 27  
or contracts for purchases of equipment, materials, supplies, 28  
insurance, or services, and every port authority shall file a 29  
report every ninety days with the equal employment opportunity 30  
coordinator. The report shall be filed at a time and in a form 31  
prescribed by the coordinator. The report shall include the name 32  
of each minority business enterprise that the agency or port 33  
authority entered into a contract with during the preceding 34  
ninety-day period and the total value and type of each such 35  
contract. No later than thirty days after the end of each fiscal 36  
year, the coordinator shall notify in writing each state agency 37  
and port authority that has not complied with the reporting 38  
requirements of this division for the prior fiscal year. A copy of 39  
this notification regarding a state agency shall be submitted to 40  
the director of budget and management. No later than thirty days 41  
after the notification, the agency or port authority shall submit 42  
to the coordinator the information necessary to comply with the 43  
reporting requirements of this division. 44

If, after the expiration of this thirty-day period, a state 45  
agency has not complied with the reporting requirements of this 46  
division, the coordinator shall certify to the director of budget 47  
and management that the agency has not complied with the reporting 48  
requirements. A copy of this certification shall be submitted to 49

the agency. Thereafter, no funds of the agency shall be expended 50  
during the fiscal year for construction or purchases of equipment, 51  
materials, supplies, contracts of insurance, or services until the 52  
coordinator certifies to the director of budget and management 53  
that the agency has complied with the reporting requirements of 54  
this division for the prior fiscal year. 55

If any port authority has not complied with the reporting 56  
requirement after the expiration of the thirty-day period, the 57  
coordinator shall certify to the speaker of the house of 58  
representatives and the president of the senate that the port 59  
authority has not complied with the reporting requirements of this 60  
division. A copy of this certification shall be submitted to the 61  
port authority. Upon receipt of the certification, the speaker of 62  
the house of representatives and the president of the senate shall 63  
take such action or make such recommendations to the members of 64  
the general assembly as they consider necessary to correct the 65  
situation. 66

(D) A minority business enterprise certified by the equal 67  
employment opportunity coordinator in accordance with rules 68  
adopted under division (B)(1) of this section shall be deemed to 69  
be in full compliance with any requirement of a political 70  
subdivision for similar certification. 71

**Section 2.** That existing section 123.151 of the Revised Code 72  
is hereby repealed. 73