

As Introduced

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

H. B. No. 403

Representative Hagan, R.

**Cosponsors: Representatives Foley, Ramos, Pillich, Yuko, Letson, Antonio,
Gerberry, Lundy, Phillips, Murray**

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A B I L L

To enact sections 9.242 and 9.662 of the Revised Code 1
to require that all labor and services performed 2
under any contract for goods or services paid for 3
with state funds be performed within the United 4
States, that all labor affected by state-funded 5
economic development assistance be labor within 6
the United States, and that all services performed 7
as a result of such economic development 8
assistance be performed within the United States. 9

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

Section 1. That sections 9.242 and 9.662 of the Revised Code 10
be enacted to read as follows: 11

Sec. 9.242. (A) As used in this section: 12

(1) "Political subdivision" means any county, municipal 13
corporation, or township of the state. 14

(2) "State agency" means every organized body, office, or 15
agency established by the laws of the state for the exercise of 16
any function of state government. 17

(B) A state agency or political subdivision shall not award a contract for goods or services paid for in whole or in part with state funds, unless the person to whom the contract is awarded certifies that all labor and services to be performed in connection with the contract will be performed at a location within the United States. 18
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(C) If, during the term of the contract, any labor or service performed in connection with the contract is performed at a location not within the United States, the contract shall be terminated by the state agency or political subdivision for noncompliance. The person to whom the contract was awarded shall forfeit to the state agency or political subdivision the amount paid by the state agency or political subdivision for the percentage of labor or services that was performed at a location not within the United States. 24
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(D) The state or a political subdivision, as applicable, may bring a civil action for the recovery of money due the state or political subdivision under division (C) of this section. If the state or political subdivision obtains a judgment against the person to whom the contract was awarded, the court shall award reasonable attorney's fees and costs. 33
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(E) During the five-year period immediately following the termination of a contract pursuant to division (C) of this section, the person to whom the contract was awarded shall not be eligible for any other contract for goods or services paid for in whole or in part with state funds. 39
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Sec. 9.662. (A) As used in this section: 44

(1) "Economic development assistance" means all of the following: 45
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(a) The programs and assistance provided or administered by 47

the department of development under Chapters 122. and 166. of the 48
Revised Code and any other section of the Revised Code under which 49
the department provides or administers economic development 50
assistance; 51

(b) The tax credit authorized by section 5725.31, 5729.07, 52
5733.42, or 5747.39 of the Revised Code and any other tax credit 53
offered by the state to promote economic development; 54

(c) Economic development assistance that is provided or 55
administered by a state agency under any other section of the 56
Revised Code; 57

(d) Economic development assistance that is provided or 58
administered by a political subdivision and is funded, in whole or 59
in part, with state money. 60

(2) "Political subdivision" means any county, municipal 61
corporation, or township of the state. 62

(3) "State agency" means every organized body, office, or 63
agency established by the laws of the state for the exercise of 64
any function of state government. 65

(B) A state agency or political subdivision shall not provide 66
economic development assistance, unless the person to whom the 67
assistance is provided certifies that all labor affected by the 68
assistance will be labor within the United States and that all 69
services performed as a result of the assistance will be performed 70
at a location within the United States. 71

(C) If any labor affected by the economic development 72
assistance is labor not within the United States or any service 73
performed as a result of the assistance is performed at a location 74
not within the United States, the state agency or political 75
subdivision shall reduce the amount or term of the assistance 76
accordingly. 77

(D) The state or a political subdivision, as applicable, may 78
bring a civil action for the recovery of money due the state or 79
political subdivision under division (C) of this section. If the 80
state or political subdivision obtains a judgment against the 81
person to whom the economic development assistance was provided, 82
the court shall award reasonable attorney's fees and costs. 83

(E) If the amount or term of economic development assistance 84
is reduced pursuant to division (C) of this section, the person to 85
whom the assistance was awarded shall not, for five years 86
thereafter, be eligible for any other economic development 87
assistance. 88

Section 2. Sections 9.242 and 9.662 of the Revised Code, as 89
enacted by this act, apply only to contracts for goods and 90
services that are awarded on or after the effective date of this 91
act and to economic development assistance that is provided on or 92
after that date. 93