

As Introduced

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H. B. No. 370

Representative Phillips

**Cosponsors: Representatives Antonio, Ashford, Barborak, Boyce, Boyd,
Budish, Carney, Celebrezze, Cera, Clyde, Curtin, Driehaus, Fedor, Foley,
Gerberry, Letson, Lundy, Mallory, O'Brien, Patterson, Pillich, Ramos, Reece,
Hagan, R., Heard, Rogers, Sheehy, Slesnick, Strahorn, Sykes, Williams,
Winburn**

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A B I L L

To amend section 4115.04 of the Revised Code to make 1
a board of education of a school district or the 2
governing board of an educational service center 3
subject to the Prevailing Wage Law for public 4
improvement contracts. 5

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

Section 1. That section 4115.04 of the Revised Code be 6
amended to read as follows: 7

Sec. 4115.04. (A)(1) Every public authority authorized to 8
contract for or construct with its own forces a public 9
improvement, before advertising for bids or undertaking such 10
construction with its own forces, shall have the director of 11
commerce determine the prevailing rates of wages of mechanics and 12
laborers in accordance with section 4115.05 of the Revised Code 13
for the class of work called for by the public improvement, in the 14
locality where the work is to be performed. Except as provided in 15

division (A)(2) of this section, that schedule of wages shall be 16
attached to and made part of the specifications for the work, and 17
shall be printed on the bidding blanks where the work is done by 18
contract. A copy of the bidding blank shall be filed with the 19
director before the contract is awarded. A minimum rate of wages 20
for common laborers, on work coming under the jurisdiction of the 21
department of transportation, shall be fixed in each county of the 22
state by the department of transportation, in accordance with 23
section 4115.05 of the Revised Code. 24

(2) In the case of contracts that are administered by the 25
department of natural resources, the director of natural resources 26
or the director's designee shall include language in the contracts 27
requiring wage rate determinations and updates to be obtained 28
directly from the department of commerce through electronic or 29
other means as appropriate. Contracts that include this 30
requirement are exempt from the requirements established in 31
division (A)(1) of this section that involve attaching the 32
schedule of wages to the specifications for the work, making the 33
schedule part of those specifications, and printing the schedule 34
on the bidding blanks where the work is done by contract. 35

(B) Sections 4115.03 to 4115.16 of the Revised Code do not 36
apply to: 37

(1) Public improvements in any case where the federal 38
government or any of its agencies furnishes by loan or grant all 39
or any part of the funds used in constructing such improvements, 40
provided that the federal government or any of its agencies 41
prescribes predetermined minimum wages to be paid to mechanics and 42
laborers employed in the construction of such improvements; 43

(2) A participant in a work activity, developmental activity, 44
or an alternative work activity under sections 5107.40 to 5107.69 45
of the Revised Code when a public authority directly uses the 46
labor of the participant to construct a public improvement if the 47

participant is not engaged in paid employment or subsidized 48
employment pursuant to the activity; 49

~~(3) Public improvements undertaken by, or under contract for, 50
the board of education of any school district or the governing 51
board of any educational service center; 52~~

~~(4)~~ Public improvements undertaken by, or under contract for, 53
a county hospital operated pursuant to Chapter 339. of the Revised 54
Code or a municipal hospital operated pursuant to Chapter 749. of 55
the Revised Code if none of the funds used in constructing the 56
improvements are the proceeds of bonds or other obligations that 57
are secured by the full faith and credit of the state, a county, a 58
township, or a municipal corporation and none of the funds used in 59
constructing the improvements, including funds used to repay any 60
amounts borrowed to construct the improvements, are funds that 61
have been appropriated for that purpose by the state, a board of 62
county commissioners, a township, or a municipal corporation from 63
funds generated by the levy of a tax, provided that a county 64
hospital or municipal hospital may elect to apply sections 4115.03 65
to 4115.16 of the Revised Code to a public improvement undertaken 66
by, or under contract for, the hospital; 67

~~(5)~~(4) Any project described in divisions (D)(1)(a) to 68
(D)(1)(e) of section 176.05 of the Revised Code; 69

~~(6)~~(5) Public improvements undertaken by, or under contract 70
for, a port authority as defined in section 4582.01 or 4582.21 of 71
the Revised Code; 72

~~(7)~~(6) Any portion of a public improvement undertaken and 73
completed solely with labor donated by the individuals performing 74
the labor, by a labor organization and its members, or by a 75
contractor or subcontractor that donates all labor and materials 76
for that portion of the public improvement project. 77

~~(C) Under no circumstances shall a public authority apply the 78~~

prevailing wage requirements of this chapter to a public	79
improvement that is exempt under division (B)(3) of this section.	80
Section 2. That existing section 4115.04 of the Revised Code	81
is hereby repealed.	82