

I_132_2048-2

132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 492

A BILL

To amend section 123.153 and to enact section 1
123.154 of the Revised Code to require the 2
Director of Administrative Services to establish 3
the women-owned business enterprise program. 4

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

Section 1. That section 123.153 be amended and section 5
123.154 of the Revised Code be enacted to read as follows: 6

Sec. 123.153. (A) As used in this section: 7

(1) "Minority business enterprise" has the same meaning as 8
in section 123.151 of the Revised Code. 9

(2) "EDGE business enterprise" has the same meaning as in 10
section 123.152 of the Revised Code. 11

(3) "Women-owned business enterprise" has the same meaning 12
as in section 123.154 of the Revised Code. 13

(B) ~~Beginning October 1, 2009, and on~~ Not later than the 14
first day of October in each year ~~thereafter~~, the director of 15
administrative services shall submit a written report to the 16
governor and to each member of the general assembly describing 17



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the progress made by state agencies in advancing the minority 18
business enterprise program ~~and, the encouraging diversity,~~ 19
growth, and equity program, and the women-owned business 20
enterprise program. The report shall highlight the initiatives 21
implemented to encourage participation of minority-owned, ~~as-~~ 22
~~well as~~ socially and economically disadvantaged, and women-owned 23
businesses in programs funded by state money or federal money 24
received by the state ~~for fiscal stabilization and recovery-~~ 25
~~purposes.~~ The report shall also include the total number of 26
procurement contracts each agency has entered into with 27
certified minority business enterprises ~~and, EDGE business~~ 28
enterprises, and women-owned business enterprises. 29

Sec. 123.154. (A) As used in this section: 30

"Women-owned business enterprise" means any individual, 31
partnership, corporation, or joint venture of any kind that is 32
owned and controlled by women who are United States citizens and 33
residents of this state or of a reciprocal state. 34

"Owned and controlled" means that at least fifty-one per 35
cent of the business, including corporate stock if it is a 36
corporation, is owned by women and that such owners have control 37
over the day-to-day operations of the business and an interest 38
in the capital, assets, and profits and losses of the business 39
proportionate to their percentage of ownership. In order to 40
qualify as a women-owned business, a business shall have been 41
owned by such owners at least one year. 42

(B) The director of administrative services shall 43
establish a business assistance program known as the women-owned 44
business enterprise program and shall adopt rules in accordance 45
with Chapter 119. of the Revised Code to administer the program 46
that do all of the following: 47

(1) Establish procedures by which a business enterprise may apply for certification as a women-owned business enterprise; 48
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(2) Establish standards to determine when a women-owned business enterprise no longer qualifies for women-owned business enterprise certification; 51
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(3) Establish a system to make publicly available a list of women-owned business enterprises certified under this section; 54
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(4) Establish a process to mediate complaints and to review women-owned business enterprise certification appeals; 57
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(5) Implement an outreach program to educate potential participants about the women-owned business enterprise program; 59
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(6) Establish a system to assist state agencies in identifying and utilizing women-owned business enterprises in their contracting processes; 61
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(7) Implement a system of self-reporting by women-owned business enterprises as well as an on-site inspection process to validate the qualifications of women-owned business enterprises. 64
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(C) Business and personal financial information and trade secrets submitted by women-owned business enterprise applicants to the director pursuant to this section are not public records for purposes of section 149.43 of the Revised Code, unless the director presents the financial information or trade secrets at a public hearing or public proceeding regarding the applicant's eligibility to participate in the program. 67
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(D) The director of administrative services, upon approval of the attorney general, may enter into a reciprocal agreement 74
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with the appropriate officials of one or more states, when the 76
other state has a business assistance program or programs 77
substantially similar to the women-owned business enterprise 78
program of this state. The agreement shall provide that a 79
business certified by the other state as a women-owned business 80
enterprise, which is owned and controlled by a resident or 81
residents of that other state, shall be considered a women-owned 82
business enterprise in this state under this section. The 83
agreement shall provide that a women-owned business enterprise 84
certified under this section, which is owned and controlled by a 85
resident or residents of this state, shall be considered 86
certified in the other state and eligible for programs of that 87
state that provide an advantage or benefit to such businesses. 88

Section 2. That existing section 123.153 of the Revised 89
Code is hereby repealed. 90