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## GOVERNMENT AFFAIRS UPDATE

Associated General Contractors (AGC) of Ohio's *Government Affairs Update* provides information about government related matters of interest to the commercial building industry and AGC's advocacy efforts. It is e-mailed to AGC of Ohio members and available online at [www.agcoho.com/advocacy.html](http://www.agcoho.com/advocacy.html). Direct questions and comments to Andrea Ashley, VP of Government Relations: [andrea@agcoho.com](mailto:andrea@agcoho.com) or (614) 486-6446.

April 13, 2018

### DRAMA AT THE STATEHOUSE & ITS IMPACT ON LEGISLATIVE ACTIVITY

Ohio newspapers have had significant coverage about Ohio House Speaker Rosenberger resigning amid a FBI probe. Some wonder how it will impact legislative efforts.

With the upcoming May primaries and what could be a more challenging year for Republicans running for office, the legislative calendar was already limited. Now it has become even lighter as many House Republicans try to distance themselves from the former speaker and consider the caucus' future. Currently, no House committee hearings are scheduled next week, and only a handful of Senate committees are meeting. The majority of if-needed House and Senate Sessions have been cancelled.

AGC of Ohio's efforts at the statehouse so far this year have been defensive, stopping or making changes to legislation that could negatively impact the industry. While unfortunate, the current political environment actually helps AGC's efforts as legislative action stalls.

In the near future, the Ohio House is expected to elect a new Speaker to serve until the conclusion of this General Assembly at the end of the year. In the interim, Speaker Pro-Tempore Kurt Schuring (R-Canton) will assume the Speaker's duties.

### AGC SUBMITS COMMENTS ON OHIO EPA PROPOSED CHANGES TO CONSTRUCTION STORMWATER PERMIT AND WETLAND MITIGATION

AGC of Ohio submitted [comments](#), in conjunction with other industry and business groups, on the Ohio EPA's [draft](#) General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water associated with construction activity. (View the EPA's public notice, [fact sheet](#), and [draft](#) general permit.) The state's proposal contained elements that were ultimately removed from the federal permit when it was redrafted last year.

Additionally, AGC of Ohio and the Ohio Contractors Association (OCA) submitted [joint comments](#) on the Ohio EPA's [proposed changes](#) to the Wetland Water Quality Standards. Key concerns involved changes to definitions and antidegradation requirements.

#### HELP AGC ADVOCATE FOR YOU - *Contribute to AGC of Ohio Action today!*

Fundraising is part of the political process, and a healthy PAC is vital to AGC's success at the Statehouse! Make checks payable to AGC of Ohio Action (non-corporate contributions only). Sole proprietors, partnerships and unincorporated associations, which include limited liability companies under Ohio campaign finance law, may use company funds to contribute; such contributions should include the name of the entity and individual making the contribution.

## LEARN ABOUT CHANGES TO STATE & FEDERAL MOTOR CARRIER RULES AT AGC SAFETY MEETING

AGC of Ohio's next Safety Meeting, scheduled for May 11 at 9:30 a.m., will feature Lillian Lancaster, safety investigator for the PUCO's Transportation Enforcement Division. She will provide an update on state and federal Motor Carrier Safety Rules, addressing the interstate and intrastate regulations and major changes like the ELD Rule, National Registry of Certified Medical Examiners (Medical Examiner's Certification Integration Rule), etc. The meeting is open to AGC of Ohio members and free of charge. To attend, RSVP to Andrea Ashley at [andrea@agcoho.com](mailto:andrea@agcoho.com) or (614) 486-6446.

## VISIT IRS.GOV FOR RESOURCES TO HELP UNDERSTAND TAX REFORM

*IRS Tax Reform Tax Tip 2018-49*; March 30, 2018

Taxpayers who have questions about the Tax Cuts and Jobs Act have several resources that will help answer questions. The legislation, passed in December 2017, changes many areas of the tax law. Here are some of the resources on IRS.gov that will help individual taxpayers, businesses and the tax community:

- **New Tax Reform Web Page.** IRS created the [Tax Reform page](#) to highlight what taxpayers need to know about the tax law changes and how they affect taxpayers. This page also links taxpayers and tax professionals to news releases, publications, notices, and legal guidance related to the legislation.
- **Updated Withholding Calculator.** IRS updated the [Withholding Calculator](#) to reflect the changes to the withholding tables. IRS encourages everyone to use the Withholding Calculator to perform a quick "paycheck checkup." The calculator helps taxpayers determine if they're having the right amount of tax withheld from their paychecks, which is especially important with the recent changes.
- **Updated Form W-4, Employee's Withholding Allowance Certificate.** Taxpayers who determine they need to make changes to their withholding can refer to the new [Form W-4](#), which reflects the tax law changes. Employees will submit the completed Form W-4 to their employers.
- **Frequently Asked Questions.** The IRS posted new FAQs to help people understand how to use the [Withholding Calculator](#) and the changes to the [Withholding Tables](#).

More information about the tax law changes will be coming throughout the year. IRS.gov will be updated to reflect changes as they develop.



## ON THE NATIONAL FRONT... *Information courtesy of AGC of America*

### ADMINISTRATION ANNOUNCES "ONE FEDERAL DECISION" POLICY

*In Line with AGC Environmental Review Streamlining Recommendations*

On April 9, the Trump administration unveiled an AGC-backed ["One Federal Decision" memorandum of understanding](#) signed by more than a dozen federal agencies that establishes a coordinated and timely process for environmental reviews of major infrastructure projects. AGC has [advocated](#) for streamlining provisions like the "One Federal Decision" process, whereby one agency takes the lead on navigating the permitting process, reviews are conducted concurrently, and the agencies follow a reasonable timetable. AGC's [chart](#) and [background document](#) highlight some of the common road blocks and delays in environmental reviews and permitting of major infrastructure projects.

The MOU puts forth a two-year permitting process, drastically reducing the amount of time currently needed to move a project through this process. For example, the median environmental review completion time for a complex highway project is more than seven years. Finalizing an environmental impact

statement (EIS) alone takes an average of 1,679 days. EISs are required for most of the major infrastructure projects that the Trump administration is working to advance with this MOU.

The agencies signing onto the MOU include: Departments of the Interior, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy, and Homeland Security; Environmental Protection Agency; U.S. Army Corps of Engineers; Federal Energy Regulatory Commission; Advisory Council on Historic Preservation; and Federal Permitting Improvement Steering Council.

### **USACE UNDERTAKES WORK ON AGC-RECOMMENDED PERMITTING IMPROVEMENT**

A draft U.S. Army Corps of Engineers (USACE) [directive](#) would encourage the agency to concurrently process two related permitting reviews when a project needs them—Section 408 permissions under the Rivers and Harbors Act (RHA) and Clean Water Act (CWA) Section 404 dredge and fill permits—a priority among a number of AGC’s environmental review and permitting [reform recommendations](#). RHA Section 408 requires USACE to evaluate and grant permission for any construction projects that alter existing USACE infrastructure—e.g., bridge/road construction project over, or by, a USACE-built levee, port construction on, or in, a USACE-dredged harbor. Where a construction project needs both a Section 408 permission and Section 404 permit, USACE does not currently begin the Section 404 permitting review process until it completes the Section 408 permission process, which further delays construction projects.

AGC noted in its [comments](#) on the draft guidance that it appreciated USACE’s effort to concurrently process these regulatory items as a means of reducing permitting delays. In addition, AGC called on the agency to go further in final guidance by: (1) maintaining agency accountability through recording data and identifying specific staff responsibility for coordinating concurrent processing of the Section 408 permissions with Section 404 permits; and (2) narrowing the need for a 408 permission to a new construction project that directly alters USACE-infrastructure, and does not merely traverse unimproved USACE real property.

### **STATE AND CITIES BLACKLISTING BORDER WALL CONTRACTORS**

On March 29, more than two dozen members of Congress called on the U.S. Department of Justice to take action against the discrimination (blacklisting) of private companies that work or supply services for the construction of the border wall. Some two dozen cities and states have adopted or are considering legislation discriminating against companies—designers, prime contractors, subcontractors and suppliers—that work on or support construction of the border wall. In some cases, legislation would bar the city or state from contracting with those firms entirely and require their public pension firms to divest from those companies.

AGC has long voiced its concern that, unless checked, these blacklisting efforts will embolden state and local officials to obstruct the federal government’s lawful functions whenever it may serve their narrow political interests. Similarly, discriminatory measures could easily multiply, as state and local officials seek to advance their political careers at the expense of federal priorities. Threatened by discrimination and without assurance that the DOJ will take a stand on such legislation, private companies will understandably hesitate to work in the federal marketplace.

To date, neither the Trump administration nor Congress has asserted the federal government’s constitutional prerogative to prohibit states or localities from thwarting this federal government national security initiative. This inaction not only undermines President Trump and Congress’s commitment to securing our borders, but also puts federal contractors at risk of unlawful discrimination.