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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. Direct questions and comments to Andrea Ashley, VP of Government Relations: andrea@agcoho.com or (614) 486-6446.

June 4, 2020

OHIO HOUSE ADOPTS SENATE'S PROPOSAL TO FULLY FUND CAPITAL REAPPROPRIATIONS

Yesterday, Ohio Senate Finance Committee passed its \$1.28 billion capital reappropriations measure, [SB 316](#) (Dolan, R-Chagrin Falls). Hours later, the House Finance Committee amended the complete list of projects and funding contained in the Senate's bill into another measure ([S.B. 310](#), Dolan, R-Chagrin Falls) that directs federal dollars to support local governments.

The Ohio House initially proposed a pared down version of the reappropriations bill (H.B. 670, Merrin, R-Monclova), which provided about \$500 million in continued funding and excluded most higher education and community projects. AGC of Ohio sent a [letter](#) to the House Finance Committee addressing the economic impact of defunding previously-approved construction projects and some of the costs and risks associated with cancelling and delaying projects.

In addition to incorporating the fully-funded reappropriations into [S.B. 310](#), another amendment added to the bill would require transportation improvement districts to comply with the Ohio's Prevailing Wage Law, unless the amount of state and local funds the district expends on the contract or project is less than statutory thresholds specified in the Law.

[S.B. 310](#) is scheduled for a floor vote during today's House Session, and the Senate is expected to vote whether to concur with the House's changes next week.

COVID-19 CIVIL IMMUNITY BILLS CONTINUE TO MOVE

Both the Ohio House and Senate civil immunity legislation related to the Coronavirus pandemic have made progress this week. [S.B. 308](#) (Huffman, R-Lima) passed both the Senate Judiciary Committee and the Senate floor yesterday (June 3). An emergency clause was added, which would make the bill effective immediately if it passes the House and is signed by the Governor. The Ohio House's civil immunity bill, [H.B. 606](#), passed the Ohio House with an emergency clause on May 28; yesterday it was referred to the Senate Judiciary Committee to begin deliberations in that chamber.

AGC of Ohio supports both bills, which would provide qualified civil immunity to businesses regarding the transmission of coronavirus infection, albeit with differing provisions. AGC participates in the Ohio Alliance of Civil Justice (OACJ), a collection of business associations that promote a healthy economic climate in Ohio by stopping lawsuit abuse and to promote a common-sense civil justice system. OACJ has been taking the lead in pushing for changes in the bills on behalf of employers. AGC and OCA also submitted [joint testimony](#) in support of civil immunity for contractors.

OTHER BILLS OF INTEREST TO CONTRACTORS

In addition to the previously mentioned legislation above, the following is a list of bills of interest to the construction industry has been introduced or seen movement over the past two weeks.

HB159 - INDEMNITY PROVISIONS-PUBLIC IMPROVEMENT CONTRACTS (Blessing, R-Cincinnati): To regulate the use of indemnity provisions in professional design contracts related to public improvements. 6/2/2020 - SUBSTITUTE BILL ACCEPTED, House Civil Justice, (Third Hearing). **AGC Action:** *Interested Party; AGC worked with proponents of the bill when it was introduced in previous general assemblies to ensure it does not negatively impact contractors.*

HB251 - CONTRACT ACTION-PERIOD OF LIMITATION (Lang, R-West Chester Twp.; Hillyer, R-Uhrichsville): To shorten the period of limitations for actions upon a contract. 5/27/2020 - Senate Judiciary, (Fifth Hearing). **AGC Action:** *AGC is a member of the Ohio Alliance of Civil Justice, which has testified in support of the bill.*

HB614 - UNEMPLOYMENT COMPENSATION REFORM (Frazier, R-Newark; Richardson, R-Marysville): To study and reform the application, processing, and administration infrastructure of Ohio's unemployment compensation system. 6/3/2020 - SUBSTITUTE BILL ACCEPTED, House Ways and Means, (Fifth Hearing). **AGC Action:** *Interested Party; AGC is supportive of the bill's concept, and is working with other industry groups to ensure, if passed, it will be a truly impartial review as opposed to previous UC efforts that separated industry groups into winners and losers.*

HB663 - REPEAL PREVAILING WAGE LAW (Hood, R-Ashville; Dean, R-Xenia): To repeal the Prevailing Wage Law. 5/27/2020 - Referred to Committee House Commerce and Labor. **AGC Action:** *AGC of Ohio has traditionally been supportive of Ohio's prevailing wage law. It is doubtful this bill will pass.*

SB156 - DRUG SCREENINGS (Gavarone, R-Bowling Green): To prohibit defrauding an alcohol, drug, or urine screening test. 5/28/2020 - House Criminal Justice, (Second Hearing). **AGC Action:** *Proponent. AGC submitted [testimony](#) supporting the measure.*

SB181 - WORKFORCE-EDUCATION PARTNERSHIPS (Coley, R-Liberty Township): To require the Chancellor of Higher Education to create a template for workforce-education partnership programs. 5/26/2020 - House Higher Education, (Second Hearing). **AGC Action:** *Interested Party. AGC of Ohio discussed the bill's merits with its sponsor; while supportive of the concept, based on conversations with AGC members, it is doubtful that contractors would utilize the program.*

SB204 - AIRPORT DEVELOPMENT DISTRICT (Schuring, R-Canton; Sykes, D-Akron): To authorize the creation of an airport development district for the purpose of funding public infrastructure improvements and attracting airlines and additional flights to a qualifying airport. 6/3/2020 - PASSED BY SENATE; Vote 33-0. **AGC Action:** *Interested Party. AGC of Ohio met with the bill's sponsor to better understand the proposal and impact on the construction industry. It is a pilot program at this time and would not make significant changes to the laws governing contractors on airport infrastructure improvements.*

SB248 - SCHOOL STORM SHELTERS (Schaffer, R-Lancaster): To extend until November 30, 2022, the moratorium on the building code requirement for storm shelters for school construction projects. 6/3/2020 - Referred to Committee House Primary and Secondary Education. **AGC Action:** *Interested Party. AGC worked with and educated Senate leadership when they were deliberating on competing proposals when the first moratorium on the school storm shelter requirement was legislated several years ago. AGC continues to monitor such extensions to ensure there is not overreach and an effort to legislate building code requirements.*

SB285 - DISTRACTED DRIVING (O'Brien, D-Bazetta; Kunze, R-Hilliard): To revise the laws relative to distracted driving and the use of an electronic wireless communications device while driving. 5/27/2020 - Senate Local Government, Public Safety and Veterans Affairs, (Second Hearing). **AGC Action:** *Interested Party.*

SJR4 - REPAY FEDERAL UNEMPLOYMENT ADVANCES (Peterson, R-Sabina): Proposing to enact Section 18 of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide for the issuance of obligations to repay outstanding advances made by the federal government to the unemployment compensation program of the state. 6/3/2020 - Senate Finance, (Second Hearing). **AGC Action:** *Interested Party.*



ON THE NATIONAL FRONT...

Information courtesy of AGC of America

Learn more about AGC of America's advocacy efforts at <https://advocacy.agc.org>.

AGC Opposes Overly Onerous and Broad COVID-19 Health Standard

In response to recent legislative efforts to force the Occupational Safety and Health Administration (OSHA) to create a new Emergency Temporary Standard (ETS) to address the coronavirus, AGC joined [stakeholders](#) in opposing the power grab.

AGC prioritizes worker safety and AGC and its members have been proactive since the early days of the pandemic through safety stand-downs on the coronavirus and resources communicating proper safety, distancing, and disinfecting measures to workers on the job site to reduce the risk of exposure. Despite opposition to the ETS, AGC has been supportive of using industry specific guidance from the Centers for Disease Control and Prevention (CDC).

The temporary standard as envisioned in [H.R.6559](#) and other legislation could force employers to record and document illnesses like the common cold or seasonal flu. Such a standard would expose employers to additional liabilities and litigation amid the greatest economic disaster since the Great Depression. In addition, it could negatively impact employer experience modification rates, which would result in untenable workers compensation insurance premiums. All of this further jeopardizes the ability of employers to weather this unprecedented economic decline and maintain current levels of employment.

Additional coronavirus-related resources include a recently launched OSHA [webpage](#) with coronavirus-related guidance for construction employers and workers that includes recommended actions to reduce the risk of exposure to the coronavirus. And, for AGC of America's coronavirus safety and health resources click [here](#).

Tell the Senate to Take Action on PPP Flexibility Act

The U.S. House of Representatives overwhelmingly passed the AGC-backed Paycheck Protection Program (PPP) Flexibility Act (H.R. 7010), which would make substantial improvements to the Paycheck Protection Program (PPP). Now, the Senate must [Take Action](#) and pass this important legislation to save construction jobs.

The PPP has proven to be a popular and significant relief measure for construction firms during the COVID-19 pandemic. However, the Associated General Contractors of America has identified a number of problems with the program, and this bill addresses several of those concerns by providing greater flexibility to PPP loan recipients for both loan forgiveness and repayment, as well as allowing PPP loan recipients to defer payroll taxes through the end of 2020.

[Take Action](#) and simply submit the pre-written message as is to your U.S. Senators or customize it with personal information on how this issue impacts you and your employer.