



# AGC of Ohio's Advocacy Efforts 2020

AGC of Ohio's government affairs program covers all three branches of state government. Below is a highlight of some of the efforts so far this year. Direct questions about them to Andrea Ashley at AGC of Ohio (614) 486-6446 or [andrea@agcoho.com](mailto:andrea@agcoho.com).

## Government Agencies, Administration

**CORONAVIRUS:** AGC of Ohio advocated to ensure construction was an essential business. This included correspondence and discussions with the Governor, Lt. Governor, and administrative officials about the importance of construction and safe work practices. AGC staff also had conversations with public officials about COVID-related contract concerns, financial issues, and safety requirements.

**CONTRACT DOCS, PROCUREMENT, OAKS-CI:** A workgroup of AGC members continues to meet with Ohio Facilities Construction Commission (OFCC) officials to discuss needed improvements to contract documents and procurement processes, as well as contracting concerns related to COVID and recovering associated costs. Another workgroup met with OFCC to provide feedback on the internal rewrite of OAKS-CI (version 2.0), and some AGC member volunteers will perform external testing of the updated system in 2021. Based on the meetings and continued dialogue of both workgroups, some improvements have been made, and AGC continues to advocate for more reforms.

**BUILDING CODES, REGULATIONS:** AGC of Ohio works with the Ohio Department of Commerce, Industrial Compliance and Board of Building Standards (OBBS) on building code and regulatory matters affecting commercial builders. Recent efforts include supporting OBBS initiatives to aid resource-strapped local building departments and prevent legislative overreach into building code development.

**EDGE:** AGC of Ohio submitted recommendations for improvements to Ohio's EDGE program after an Inspector General Report highlighted the program's inadequacies. The Ohio Dept. of Administrative Services' Equal Opportunity Division this year made changes to the rules governing EDGE, which incorporate some of AGC's recommendations.

**WORKFORCE DEVELOPMENT, CONSTRUCTION CAREERS:** AGC of Ohio continues to collaborate with many public agencies to promote the industry and construction careers, as well as the I Build America - Ohio (IBAOhio) marketing campaign and website.

**ENVIRONMENTAL:** AGC of Ohio advocates on EPA issues impacting the construction industry. This year AGC advocated as a part of a coalition to address concerns with inconsistent enforcement of Stream and Wetlands Valuation Metric (SWVM) in parts of the state.

## Judicial

### MUNICIPAL TAX REFORM

*Athens et al. v Ohio State Tax Commissioner et al. (case no.'s 18AP000144 & 18AP000189).*

Early in 2020 the Ohio Supreme Court heard oral arguments on the cases involving municipal tax reform laws and will decide if they violate the Home Rule provision of Ohio's constitution. An appeals court had upheld the laws in April 2019, and the cities appealed to the Ohio Supreme Court. AGC of Ohio has been a strong and vocal advocate of the municipal tax reform legislation, as well as the state's efforts to defend the laws. AGC of Ohio, in conjunction with other business groups, filed an amicus in support of the state's position in the lower courts and the Ohio Supreme Court. The Court ruled in favor of the tax reform laws, keeping the reforms intact.

## Legislative

**CAPITAL FUNDING:** During the first half of 2020, the legislature played politics with the usually mundane Capital Reappropriations bill, with the Ohio House introducing a “pared down” version containing \$500 million less funding than the \$1.2 billion outstanding on capital projects. AGC of Ohio expressed concern about the economic impact of defunding the previously approved construction projects and the repercussions of cancelling and delaying projects. The full funding language was passed and signed into law.

AGC also supported and advocated for the capital bill, which was split and amended into two different measures. The first was a “mini capital bill” totaling \$500 million in appropriations for schools, public works, and conservation projects; it was amended into SB 4 during the first half of the year. The second, which was amended into SB 310 and passed during lame duck at the end of the year, included an additional \$2.1 billion in capital spending. AGC shared national AGC’s Construction Impact Model with Ohio’s Office of Budget & Management to show the bill’s economic impact and educate lawmakers.

**CORONAVIRUS CIVIL IMMUNITY:** AGC of Ohio strongly supported two measures – one introduced by the House (HB 606) and one by the Senate (SB 308) – that provides civil immunity for employers related to coronavirus. HB 606 was passed and signed into law in September; it went into effect December 16. The general immunity provisions apply retroactively from March 9, 2020 through September 30, 2021.

**UNEMPLOYMENT COMPENSATION REFORM:** A new act (HB 614) passed this year creates a council to study and reform the application, processing, and administration of Ohio’s unemployment compensation system. (The council will not examine solvency issues.) AGC supported the bill’s concept, and spoke with its sponsors about the role of the council and importance of a truly impartial review, as opposed to previous efforts that separated industry groups into winners and losers.

### **OTHER BILLS OF INTEREST (did not pass the legislature, but may come up again)**

**Public Private Partnerships (P3):** Authorize certain public entities to enter into public-private initiatives with a private party through a public-private agreement regarding public facilities. **AGC Action:** *Interested party. AGC worked with the bill’s sponsor and proponents to get an Ohio Legislative Service Commission (LSC) analysis about the application of public improvement laws, and to amend the bill to ensure they would apply to any initial construction as well as future improvements to the structure covered under the P3.*

**Contractor Payment Deadline/Prompt Pay:** Require owners of construction projects to pay a contractor within thirty-five days of receiving a request for payment. **AGC Action:** *AGC worked with the bill’s proponents to have the term shortened to 30 days and testified in support of the measure.*

**Prohibit Cheating on Drug Screenings:** Prohibit defrauding an alcohol, drug, or urine screening test. **AGC Action:** *AGC provided testimony supporting the legislation.*

**Licensure “Reform” Bills:** Several bills were introduced under the guise of encouraging workforce and economic development that ultimately would have had the opposite impact on Ohio’s construction industry. The legislation was designed by a large national conservative think tank and took a one-size fits all approach across all industries. If passed, the bills would have given out-of-state contractors that utilize licensed trades a competitive advantage over Ohio contractors. **AGC Action:** *AGC strongly opposed the bills when it became clear their sponsors did not want to address the industry’s concerns, working with a coalition of industry groups and coordinating the collaborative effort during lame duck.*