



AGC of Ohio's Advocacy Efforts 2021

Mid-Year Update

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.

Government Agencies, Administration

PUBLIC PROCUREMENT, OAKS-CI: AGC of Ohio has been sharing information and updates about construction inflation with OFCC and other public entities to educate them about contractors' challenges with project costs, obtaining materials and staffing. Earlier this year, several AGC of Ohio members participated in an external review of OAKS-CI version 2. Over the past two years, AGC has had conversations with OFCC about challenges related to OAKS-CI, and has been providing feedback on OFCC's rewrite of the new version.

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 sharing concerns and getting guidance about building department operations and potential policy changes.

ATTORNEY GENERAL OPINIONS: Over the past year, the Attorney General (AG) has been asked to provide opinions on Ohio laws and rules related to public improvements. AGC of Ohio has sent legal analysis to the AG's office on issues like prevailing wage, cooperative purchasing, local hire, etc. to educate the AG's office and try to obtain an appropriate opinion for contractors and the industry.

ECONOMIC BENEFITS OF CONSTRUCTION: AGC of Ohio has provided resources to policy makers, public officials, and agencies that procure construction to help them determine the economic benefits of proposed construction spending and/or specific projects.

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 and provides feedback on various rules and policy changes.

Legislative

Nearly 600 bills introduced during the first half of the year, plus hundreds of resolutions. Some general issues that have come up repeatedly include: unemployment compensation; workforce development; employer rights; overzealous "one-size-fits-all" approach regulatory reduction that does not consider different industries' unique needs or practices; and efforts to undermine competitive processes and protections with public procurement.

The following pages provide a list of bills introduced during the first half of the year that AGC's following. Some of AGC's advocacy on some of the legislation is included with the bill's description.

Bills of Interest to Contractors

HB68 - PRIVATE CONTRACTOR PAYMENT (CROSS J, SWEENEY B): To require owners of private construction projects to timely pay a contractor. 5/26/2021 - Referred to Committee Senate Workforce and Higher Education. **AGC Action: Support. Testified as proponent, worked with subcontractor groups pushing legislation, and spoke with House Commerce & Labor Committee members about it.**

HB74 - ENACT FY22-23 TRANSPORTATION BUDGET (OELSLAGER S): To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2021, and ending June 30, 2023, and to provide authorization and conditions for the operation of those programs. 3/31/2021 - SIGNED BY GOVERNOR; eff. Immediately. **AGC Action: AGC worked as part of a coalition to oppose proposed force account limit increases that would allow local government entities to perform work usually done by private contractors. After much deliberation, instead of significantly increasing the force accounts, they were indexed and a study committee was formed to examine force accounts.**

HB75 - ENACT FY22-23 WORKERS' COMPENSATION BUDGET (OELSLAGER S): To make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2021, and ending June 30, 2023, to provide authorization and conditions for the operation of the Bureau's programs, and to make changes to the Workers' Compensation Law. 6/29/2021 - SIGNED BY GOVERNOR; eff. July 1, 2021

HB76 - ENACT FY22-23 INDUSTRIAL COMMISSION BUDGET (OELSLAGER S): To make appropriations for the Industrial Commission for the biennium beginning July 1, 2021, and ending June 30, 2023, and to provide authorization and conditions for the operation of Commission programs. 6/2/2021 - SIGNED BY GOVERNOR; eff. July 1, 2021

HB88 - REQUIRE LICENSE FOR COMMERCIAL ROOFING CONTRACTORS (PATTON T): To require commercial roofing contractors to have a license. 5/5/2021 - House Commerce and Labor, (First Hearing)

HB91 - AUTHORIZE CERTAIN PUBLIC-PRIVATE INITIATIVES (PATTON T): To authorize certain public entities to enter into public-private initiatives with a private party through a public-private agreement regarding public facilities. 4/28/2021 - BILL AMENDED, House Infrastructure and Rural Development, (Second Hearing). **AGC Action: Support. Testified as proponent. AGC worked with bill's proponents when it was introduced in previous general assemblies to incorporate public construction laws (PW, competitive processes) where applicable.**

HB101 - REGARDS FUNDING JAIL CONSTRUCTION/MAINTENANCE (STEPHENS J, EDWARDS J): To establish new processes for funding the construction, acquisition, improvement, operation, and maintenance of jail facilities. 4/28/2021 - BILL AMENDED, House Infrastructure and Rural Development, (Fourth Hearing). **AGC Action: Support concept. Worked with the bill's sponsor to obtain an analysis of how public construction laws would apply to the program.**

HB107 - ELEVATOR LAW (BALDRIDGE B): To revise the Elevator Law. 6/25/2021 - PASSED BY HOUSE; Vote 81-9

HB110 - OPERATING BUDGET (OELSLAGER S): To make operating appropriations for the biennium beginning July 1, 2021, and ending June 30, 2023, to levy taxes, and to provide authorization and conditions for the operation of state programs. 7/1/2021 - SIGNED BY GOVERNOR; effective 7/1/21. **AGC Action: Support investments in broadband infrastructure, brownfield redevelopment and building demolition; worked as part of coalition to stop several problematic proposals from being added to the bill. Two provisions of concern amended into the bill dealt with the controlling board and force accounts. AGC opposed controlling board language change added by House, which could cause delays in the award of public projects and increase construction costs; the language was removed by Senate, then added back during conference committee; Governor line-item vetoed it. AGC also opposed the force account limit increase added by Senate, which would allow local government entities to perform work usually done by private contractors; it was removed during conference committee.**

HB118 - REVISE CERTAIN WIND FARM/SOLAR FACILITY LAWS (RIEDEL C, STEIN D): To require inclusion of safety specifications in wind farm certificate applications, to modify wind turbine setbacks, and to permit a township referendum vote on certain wind farm and solar facility certificates. 5/12/2021 - SUBSTITUTE BILL ACCEPTED, House Public Utilities, (Fourth Hearing); COMP BILL SB 52 SIGNED BY GOVERNOR. **AGC Action:** *AGC had conversations with interested parties about its potential impact on energy construction.*

HB123 - COMMUNITY REINVESTMENT AREAS (FRAIZER M, CROSS J): To modify the law governing community reinvestment areas and the terms under which property may be exempted in such areas. 6/2/2021 - Referred to Committee Senate Ways and Means. **AGC Action:** *AGC had conversations with interested parties about its potential benefits on construction investment.*

HB146 - REGARDS APPLYING PREVAILING WAGE LAW TO PUBLIC PROJECTS (RIEDEL C, MANCHESTER S): To allow political subdivisions, special districts, and state institutions of higher education to elect to apply the Prevailing Wage Law to public improvement projects. 6/23/2021 - House Commerce and Labor, (Second Hearing). **AGC Action:** *Oppose. Expressed support of prevailing wage to committee members.*

HB175 - DEREGULATE CERTAIN EPHEMERAL WATER FEATURES (HILLYER B): To deregulate certain ephemeral water features under various water pollution control laws. 6/23/2021 - House Agriculture and Conservation, (Fifth Hearing). **AGC Action:** *Support. Participate in coalition of industry groups on issue, testified as proponent.*

HB181 - ISSUE OCCUPATIONAL LICENSE FOR APPRENTICESHIP PROGRAM (POWELL J): To require a licensing authority to issue an occupational license to an applicant who completes a registered apprenticeship program and meets other requirements. 4/21/2021 - House Commerce and Labor, (First Hearing). **AGC Action:** *Oppose. Articulated position to legislators and sent industry coalition opposition info.*

HB187 - EARNINGS, DEDUCTIONS STATEMENTS (KELLY B, LIPPS S): To require an employer to provide earnings and deductions statements to each of the employer's employees. 6/23/2021 - Referred to Committee Senate Small Business and Economic Opportunity

HB192 - PROHIBIT LOCAL GOVERNMENTS FROM STOPPING CERTAIN ENERGY GENERATION (CUTRONA A): To prohibit counties, townships, and municipal corporations from prohibiting energy generation from fossil fuels and gas pipelines. 5/6/2021 - House Energy and Natural Resources, (Third Hearing)

HB203 - REQUIRE OCCUPATIONAL LICENSE IF EXPERIENCED IN OTHER STATE (POWELL J): To require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances and to amend the version of section 3319.22 of the Revised Code that is scheduled to take effect on April 12, 2023, to continue the changes on and after that date. 6/9/2021 - BILL AMENDED, House State and Local Government, (Third Hearing). **AGC Action:** *Oppose. Articulated concerns to legislators and sent industry coalition opposition info. Does not include reciprocity for Ohio license holders.*

HB234 - REPEAL THE COMMERCIAL ACTIVITY TAX (GROSS J, MCCLAIN R): To repeal the commercial activity tax with a five-year phase-out. 4/14/2021 - Referred to Committee House Ways and Means. **AGC Action:** *AGC has repeatedly over the years taken issue with the application of the CAT (pancaking of taxes) on commercial building projects.*

HB235 - HIGH HAZARD TRAINING CERTIFICATION ACT (SWEARINGEN D, BALDRIDGE B): To enact the High Hazard Training Certification (HHTC) Act regarding construction services performed under a contract at a stationary source. 5/19/2021 - House Commerce and Labor, (First Hearing). **AGC Action:** *Interested Party. Spoke with proponents about the bill; identified a couple of changes needed to make it more workable for construction employers.*

HB247 - REVISE PLUMBING INSPECTION LAW (WEST T, KELLY B): To amend the law related to plumbing inspections. (Removes the authority for certification of plumbing inspectors from the Division of Industrial Compliance. Leaves Board of Building Standards certification of plumbing inspectors in place.) 5/26/2021 - Referred to Committee Senate Health

HB271 - ESTABLISH NATURAL GAS INFRASTRUCTURE PROGRAM (EDWARDS J): To establish a natural gas infrastructure development program and fund to help meet Ohio's natural gas supply needs. 5/6/2021 - House Energy and Natural Resources, (First Hearing)

HB275 - EXPAND POLITICAL SUBDIVISION JOINT PURCHASING AUTHORITY (LAMPION B): To expand political subdivision joint purchasing authority to expressly include purchases for construction services. 5/12/2021 - House Commerce and Labor, (First Hearing). **AGC Action: Oppose. Articulated position to legislators and sent industry coalition opposition info.**

HB303 - REGARDS CAREER-TECHNICAL EDUCATION (SWEARINGEN D): With regard to career-technical education and the compensation of joint vocational school districts located in community reinvestment areas. 6/16/2021 - House Economic and Workforce Development, (First Hearing). **AGC Action: Interested party. Spoke with sponsor about bill, and misguided amendments to the comp bill in Senate.**

HB309 - FAIR, OPEN COMPETITION ACT (BRINKMAN T): To enact the Fair and Open Competition Act regarding project labor agreements in public improvement contracts. 5/18/2021 - Referred to Committee House Commerce and Labor

SB9 - REDUCE REGULATIONS (MCCOLLEY R, ROEGNER K): To require certain agencies to reduce the number of regulatory restrictions in their administrative rules. 5/20/2021 - House Government Oversight, (First Hearing). **AGC Action: Interested party. Expressed concerns with the potential negative impact on ability for "Ohioizing" building code standards.**

SB13 - SHORTEN PERIOD OF LIMITATIONS-CONTRACTS (LANG G): To shorten the period of limitations for actions upon a contract; to make changes to the borrowing statute pertaining to applicable periods of limitations; and to establish a statute of repose for a legal malpractice action. 3/11/2021 - SIGNED BY GOVERNOR; eff. 6/16/21

SB18 - INTERNAL REVENUE CODE (ROEGNER K, SCHAFFER T): To expressly incorporate changes in the Internal Revenue Code since March 27, 2020, into Ohio law, to exclude certain loan amounts forgiven under federal law from the commercial activity tax, to authorize a commercial activity tax exclusion for Bureau of Workers' Compensation dividends paid to employers, and to declare an emergency. 3/31/2021 - SIGNED BY GOVERNOR; eff. Immediately. **AGC Action: Support CAT exclusion for BWC dividends, other adjustments benefiting construction employers.**

SB25 - PROHIBIT DEFRAUDING DRUG TESTS (GAVARONE T): To enhance penalties for certain drug trafficking offenses committed in the vicinity of a substance addiction services provider, to prohibit defrauding an alcohol, drug, or urine screening test, and to name the act's provisions the Relapse Reduction Act. 6/16/2021 - REPORTED OUT, Senate Judiciary, (Fourth Hearing). **AGC Action: Support. Testified in support; continue to collaborate with proponents.**

SB49 - PAYMENT ASSURANCE-DESIGN PROFESSIONALS (HOTTINGER J, SYKES V): To establish a payment assurance program for registered design professionals. 7/1/2021 - SIGNED BY GOVERNOR; eff. 90 days. **AGC Action: AGC worked with proponents prior to the bill being introduced to ensure contractors' mechanics lien rights took precedence.**

SB52 - WIND TURBINE SETBACKS (REINEKE W, MCCOLLEY R): To permit a board of county commissioners to designate energy development districts and to permit a board of township trustees or a board of county commissioners to prevent power siting board certification of certain wind and solar facilities. 7/12/2021 - SIGNED BY GOVERNOR. **AGC Action: AGC had conversations with interested parties about its potential impact on energy construction.**

SB56 - INDEMNITY-DESIGN CONTRACTS (BLESSING III L): To regulate the use of indemnity provisions in professional design contracts related to public improvements. 6/22/2021 - House Civil Justice, (First Hearing). **AGC Action: Interested Party. Worked with proponents on language changes when the bill was first introduced in a previous G.A.**

SB64 - REGULATE ROOFING CONTRACTORS (HOTTINGER J, LANG G): To regulate and require the registration of roofing contractors. 6/9/2021 - SUBSTITUTE BILL ACCEPTED, Senate Government Oversight and Reform, (Second Hearing)

SB66 - CAREER PATHWAYS APPRENTICE PROGRAM (WILLIAMS S): To establish a career pathways apprentice program. 3/10/2021 - Senate Workforce and Higher Education, (First Hearing)

SB68 - PROHIBIT JOB APPLICATION-ASK ABOUT FELONY CONVICTION (WILLIAMS S): To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony. 3/10/2021 - Senate Workforce and Higher Education, (First Hearing)

SB83 - BROWNFIELDS (WILLIAMS S, RULLI M): To require the Ohio Environmental Protection Agency to conduct a study to determine where brownfield sites are located in this state and to make an appropriation. 6/23/2021 - House Agriculture and Conservation, (Second Hearing)

SB84 - CLEAN OHIO REVITALIZATION FUND (WILLIAMS S, RULLI M): To make changes to the law relating to the Clean Ohio Revitalization Fund. 3/23/2021 - Senate Agriculture and Natural Resources, (Second Hearing)

SB89 - RENEWABLE ENERGY (DOLAN M): To extend the renewable portfolio standard, increase solar energy benchmarks, and extend the property tax exemption for qualified energy projects that use renewable energy resources. 5/12/2021 - Senate Energy and Public Utilities, (First Hearing)

SB105 - MINORITY BUSINESS ENTERPRISES (SYKES V, SCHURING K): To require political subdivisions to recognize state certifications of minority business enterprises. 6/10/2021 - Referred to Committee House Economic and Workforce Development

SB116 - PROOF OF IDENTITY-UNEMPLOYMENT (HACKETT R, REINEKE W): To require a person to provide proof of identity at a local employment office before receiving unemployment compensation or pandemic unemployment assistance and to declare an emergency. 3/24/2021 - Senate Insurance, (Second Hearing)

SB127 - PREVENT LOCALITIES-LIMIT USE OF NATURAL GAS (LANG G, RULLI M): To prevent local governments from limiting use of natural gas. 5/12/2021 - Senate Energy and Public Utilities, (Second Hearing)

SB131 - LICENSURE RECIPROCITY (ROEGNER K, MCCOLLEY R): To require an occupational licensing authority to issue a license or government certification to an applicant who holds a license, government certification, or private certification or has satisfactory work experience in another state under certain circumstances and to amend the version of section 3319.22 of the Revised Code that is scheduled to take effect on April 12, 2023, to continue the changes on and after that date. 5/26/2021 - Senate Workforce and Higher Education, (Second Hearing).

AGC Action: Oppose. Articulated concerns to legislators and sent industry coalition opposition info. Does not include reciprocity for Ohio license holders.

SB142 - CONSTRUCTION CONTRACTOR LICENSING (SCHAFFER T): To license residential only construction contractors and to make changes to the law regulating specialty construction contractors. 5/12/2021 - Senate Small Business and Economic Opportunity, (Second Hearing)

SB146 - PREVENT BID PRIORITY-HIGHWAY PAVEMENT (ANTANI N): To require the Director of Transportation to adopt rules that prevent any particular type of highway pavement from receiving priority in the highway construction bidding process. 6/16/2021 - Senate Transportation, (First Hearing)

SB166 - VOCATIONAL SCHOOLS-COMMUNITY REINVESTMENT AREAS (REINEKE W): With regard to career-technical education and the compensation of joint vocational school districts located in community reinvestment areas. 6/22/2021 - Referred to Committee House Economic and Workforce Development; **AGC Action: Interested party; after bill was amended to add construction to a mentorship program designed for manufacturing, AGC opposed the change and had the language removed. (AGC and other industry groups had opposed it in previous general assemblies because the mentorship program does not address the unique nature of an active, multi-employer jobsite and associated risks.)**

SB175 - LABOR AGREEMENTS-PUBLIC IMPROVEMENT CONTRACTS (LANG G): To enact the Fair and Open Competition Act regarding project labor agreements in public improvement contracts. 5/5/2021 - Introduced

SB196 - BUILDING INSPECTIONS (ROEGNER K): To make changes to the law relating to building inspections (creates an expedited appeals process). 6/16/2021 - Referred to Committee Senate Small Business and Economic Opportunity; **AGC Action: Interested party; AGC spoke with the bill's sponsor about the proposal; currently gathering additional information so AGC can take a position and/or recommend changes to it.**