



AGC OF OHIO ADVOCACY RECAP

This year is the first year of the two-year 135th General Assembly. Below are some of AGC of Ohio's efforts from January through July 2023:

GOVERNMENT AGENCIES, ADMINISTRATION

CONTRACT DOCUMENTS, PROCUREMENT: 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 educate them about market conditions. AGC worked with legal counsel to produce information to help members identify and address onerous, one-sided contract provisions that are becoming more prevalent in some non-OFCC public contracts.

WORKFORCE DEVELOPMENT, CONSTRUCTION CAREERS: AGC of Ohio continues to collaborate with the appropriate public agencies and educators to advance the industry and construction careers through the I Build America - Ohio marketing campaign and website, www.ibuildamerica-ohio.com. Recent conversations with officials have involved the updated mandatory career training for counselors and promoting the industry.

AG OPINION ON COMPETITIVE PROCUREMENT: The Delaware County Prosecutor requested the Attorney General (AG) revisit a 2019 opinion that held cooperative purchasing should not be used for construction services unless explicitly stated in law, a position AGC supported. AGC, in conjunction with OCA, provided feedback when the 2019 opinion request was made, and did so again with this year's Delaware County request. The latest opinion from the Attorney General has yet to be issued.

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 recruit staff, as well as preventing legislative overreach into building code development and inspections.

LEGISLATIVE

AGC of Ohio has been monitoring nearly 50 pieces of legislation introduced through July that could impact the construction industry and its employers. Below are some examples of AGC's advocacy:

TIMELY PAY OF CONTRACTORS/PROMPT PAY, HB 203 (Roemer, R-Richfield & Sweeney, D-Cleveland: Require private owners of construction projects to pay a contractor within thirty days of receiving a request for payment. **Status:** 6/27/2023 - House Commerce and Labor, (Fourth Hearing). **AGC Action:** Support. AGC has collaborated with proponents, testified in support, and put together educational materials for legislators about Ohio's existing prompt pay laws for construction.

STATE OPERATING BUDGET, PUBLIC IMPROVEMENT FUNDING, HB 33 (Edwards, R-Athens): Make operating appropriations for the biennium beginning July 1, 2023, and ending June 30, 2025, to levy taxes, and to provide authorization and conditions for the operation of state programs. **Status:** 7/3/2023, signed by Governor; effective immediately; policy changes effective 90 days after Governor's signature unless indicated otherwise. **AGC Action:** *Interested Party. Special interests often target amending the operating budget as a vehicle for policy changes that they cannot achieve with stand-alone legislation. AGC and a coalition of other industry groups worked to prevent onerous provisions, and collaborated with local governments to create a compromise competitive bid threshold among other local gov't changes. AGC expressed appreciation for the significant amount of one-time funds (mostly federal) that were dedicated to capital and infrastructure investments (approx. \$2 billion).*

JOINT PURCHASING OF CONSTRUCTION SERVICES BY PUBLIC ENTITIES, S.B. 23 (Lang, R-West Chester), **H.B. 145** (Hall, R-Middletown; Lampton, R-Beavercreek): Expand political subdivisions' joint purchasing authority to expressly include purchases for construction services. **Status:** HB 145, 5/6/2023 - House State and Local Government, (3rd Hearing). SB 23, 4/19/2023 - Reported Out, Senate Government Oversight, (4th Hearing). **AGC Action:** *Oppose. AGC has led a coalition of industry groups opposing the legislation, which would allow political subdivisions to sole-source public improvements to a cooperative purchasing entity (without any competitive processes for the award of the specific project). The cooperative commoditizes the project and only allows its own limited pool of contractors to do the work. The primary proponents are out-of-state organizations that stand to profit from the change.*

EXPEDITED BUILDING APPEALS, SB 41 (Roegner, R-Hudson): Create an optional expedited building appeals process. **Status:** Passed Senate. 6/27/2023 - House Economic and Workforce Development, (2nd Hearing). **AGC Action:** *Support. Worked with sponsors to amend to prevent overloading appeals boards and provided testimony supporting updated language.*

DIGITAL REPAIRS/RIGHT TO REPAIR, SB 73 (Blessing, R-Colerain Twp). Enact the Digital Fair Repair Act. 3/28/2023 - Senate Financial Institutions and Technology, (3rd Hearing). **AGC Action:** *Oppose in part. Provided testimony describing unintended consequences related to hi-tech construction equipment and requested an exclusion for construction equipment.*

UNEMPLOYMENT COMPENSATION LAW CHANGES, SB 116 (Lang, R-West Chester; Romanchuck, R-Ontario): Make changes to Ohio's Unemployment Compensation Law. 6/7/2023 - Senate Insurance, (3rd Hearing). **AGC Action:** *Oppose. AGC testified that if enacted, the significant cut in benefit weeks would harm exterior trades that have difficulty working during Ohio winters. and the industry in general due to its seasonal and cyclical nature.*

FIRE & BUILDING CODE CHANGES, HB 65 (Callender, R-Concord; Fowler Arthur, R-Ashtabula), **SB 67** (Cirino, R-Kirtland; O'Brien, R-Rome): Amend section 3737.83 and to enact section 3781.062 of the Revised Code relating to the State Fire Code and Building Code and to amend the version of section 3737.83 of the Revised Code that is scheduled to take effect December 29, 2023, to continue the provisions of this act on and after that effective date. HB 65, 3/28/2023 - House Commerce and Labor, (1st Hearing); SB 67, 3/1/2023 - Senate Veterans and Public Safety, (1st Hearing). **AGC Action:** *Interested Party, Concerns. While AGC appreciates the bills' intent, the language is overly broad and could undermine some aspects of Ohio's building code and architects' responsibility. The language was passed in the operating budget before advocates could weigh in, and AGC was among groups requesting a line-item veto for the provision, which was provided by the Governor.*