

The Construction Conversation

Ohio's Legislative, Administrative, and Judicial Two-Way Newsletter

November 2024

A Service of Luther L. Liggett, Attorney at Law
LLiggett@columbus.rr.com

Legislative: New Leadership

The party caucuses have selected their respective leadership teams for the General Assembly's 2025-2026 House of Representatives and Senate, to be voted into office in January. (Cont'd p. 2.)

Legislative: Sunset Review Action

After two years of consideration, the Joint Sunset Review Committee adopted its report to abolish state agencies which the Committee determined not to be needed in government any longer. (Cont'd p. 2).

Legislative: Public Works Commission Renewal

Legislation to extend Ohio Public Works Commission funding for another 10 years would appear on the ballot to amend the Constitution, as has been done since 1987 for local infrastructure projects. (Cont'd p. 2).

Legislative: Immigration and Construction

After the General Election, with passage possible yet this year, two bills introduced in the Ohio House of Representatives would penalize contractors who improperly employ immigrants. (Cont'd p. 3).

Legislation: Electronic Applications

After the Ohio Senate passed Senate Bill 44 unanimously, the House appears ready to take action to require all licensing agencies to accept electronic applications.

(Cont'd p. 3).

Legislation: Residential Construction Certification

The Ohio Senate Government Oversight Committee held a second hearing for proponents on SB 238, to establish a "residential only" certification issued by the Ohio Construction Industry Licensing Board. (Cont'd p. 3).

Administrative: National Apprenticeship Week

November 17th through November 23rd was the Tenth Annual National Apprenticeship Week, promoting career opportunities in the construction trades. (Cont'd p. 4).

Administrative: Air Quality Bonds

The Ohio Air Quality Development Authority issued \$1.1 million in air quality bonds to finance energy efficiency and solar energy improvements. (Cont'd p. 4).

The Construction Conversation

November 2024

Page 2

Legislative: New Leadership (Cont'd)

Without Republican opposition, current Senate President Matt Huffman (R, Lima) will return to the House as Speaker, replacing Jason Stephens who withdrew from the race. The Democrats will get to vote in January, but if the Republican caucus remains unified, the race is over.

House Republicans also selected Representative Gayle Manning (R, North Ridgeville) as Speaker Pro Tempore, replacing Scott Oelslager; Representative Phil Plummer (R, Dayton) as Assistant Speaker Pro Tem; Representative Marilyn John (R, Shelby) as Majority Floor Leader, and Representative Adam Bird (R, New Richmond) as Assistant Majority Floor Leader.

Republicans also selected four others as “Majority Whips”, adding a constitutionally questionable pay raise and no real authority.

No Representative in leadership will serve as a Committee Chair. Past practice also limited leadership from introducing significant legislation.

House Democrats re-nominated its leadership team, Representative Allison Russo (D, Upper Arlington) as Minority Leader; Representative Dontavius Jarrells (D, Columbus) as Assistant Minority Leader; Representative Dani Isaacsohn (D, Cincinnati) as Minority Whip, and Michele Grim (D, Toledo) as Assistant Minority Whip.

Ohio Senate Republicans selected Rob McColley (R, Napoleon) as Senate President, Senator Bill Reineke (R, Tiffin) as President Pro Tem; Senator Theresa Gavarone (R, Bowling Green) as Majority

Floor Leader, and Senator George Lang (R, West Chester) as Majority Whip.

Senate Democrats re-nominated Senator Nickie Antonio (D, Lakewood) as Minority Leader, Senator Hearcel Craig (D, Columbus) as Assistant Minority Leader; Senator Kent Smith (D, Euclid) as Minority Whip; and new Senator Beth Liston (D, Dublin) as Assistant Minority Whip.

Legislative: Sunset Review Action (Cont'd)

In House Bill 694, no major agency was abolished. Instead, the Committee also reauthorized 127 government entities, which will not need to undergo review for another four years, including the Ohio Apprenticeship Council.

Thirty-one entities will be abolished. Typically, the government entities abolished were designated for such action by their own cabinet-level department, and were single-purpose Advisory or Study Committees, such as the Ohio Fire Code Rule Recommendation Committee.

The legislation also includes technical changes such as renaming or addressing scope of authority for some entities.

Legislative: Public Works Commission Renewal (Cont'd)

House Joint Resolution 8 and Senate Joint Resolution 4 are bipartisan proposals to ask voter approval of \$250 million annually for ten years.

The Senate approved the measure by a vote of 30-1 after only two hearings.

The House held a first hearing on

The Construction Conversation

November 2024

Page 3

November 20th, at which time the Committee heard testimony in support from the Ohio Society of Professional Engineers, the Ohio Contractors Association, the Associated General Contractors, the Ohio Chamber of Commerce, the Ohio Township Association, the County Commissioners Association of Ohio, ACEC Ohio, Greater Ohio Policy Center, and the County Engineers Association of Ohio.

It is likely that the House will pass the Resolution before adjourning sine die.

Legislative: Immigration and Construction (Cont'd)

House Bill 327 passed the House by a vote of 85-6, and enjoyed a Sponsor Hearing on November 12th.

Introduced by Representative Scott Wiggam (R, Wooster), the bill requires construction contractors on public improvements to use E-Verify, a federal, Internet-based system operated by the United States Citizenship and Immigration Services, that confirms an employee's work eligibility in the United States.

A construction contractor coalition including the National Electrical Contractors Association and the Mechanical Contractors Association of Ohio expressed their opposition. "The penalties, particularly for public construction, are extreme and could put contractors out of business for clerical errors and omissions."

The bill likely will receive another hearing before year-end.

House Bill 656 is sponsored by Representative Tom Patton (R, Strongsville). The purpose of the bill appears to moderate the drastic penalties

considered in HB 327. While employment of illegal aliens is prohibited as under existing federal law, employers would not have to affirmatively screen applicants.

Legislation: Electronic Applications (Cont'd)

Sponsored by Senator Andrew Brenner (R, Delaware), the legislation will mandate that all occupational licensing agencies require electronic applications for initial review.

The agency may adopt a paper-application option.

The mandate applies to any "license, certificate, registration, or other authorization to a person to practice a trade or profession". This definition may be broader than expected, as it contains no exceptions.

Legislation: Residential Construction Certification

Sponsored by Senator Tim Schaeffer (R, Lancaster), the legislation is out of time for full enactment this session. However, Senator Schaeffer will return in the new session, likely with reintroduction.

The certification is not mandatory unless the contractor holds itself out as certified: "No person shall knowingly act as or claim to be a certified residential-only contractor unless that person holds or has been issued a residential-only certificate under this section."

The law is likely to become mandatory later, with pre-emption against local licensure, as are the OCILB Commercial licenses.

The Construction Conversation

November 2024

Page 4

Administrative: National Apprenticeship Week (Cont'd)

Ohio enrolls over 23,000 residents in certified apprenticeship programs, which is the third largest nationally.

Apprentices are paid while completing at least 2,000 hours of on-the-job training.

Governor Mike DeWine praised the program: “Apprenticeships provide a clear pathway to a great-paying, lifelong career.”

The Ohio Department of Jobs and Family Services oversees ApprenticeOhio which registers programs meeting the criteria.

Administrative: Air Quality Bonds (Cont'd)

The latest issuance was awarded to Dutch Real Estate LLC which is opening a new Cassano's Pizza restaurant in Springfield, Ohio.

Construction includes installation of a roof-mounted solar system, an efficient HVAC system, LED lighting fixtures, and building envelope upgrades, estimated to result in a 42.5% utility cost reduction.

No taxpayer dollars are committed; the private business received the financing through a local bank, secured using “Property Assessed Clean Energy” (PACE) assessments approved by the local city.

For more information, see OAQDA's site at:

<https://ohioairquality.ohio.gov/incentives-and-financing>

- 30 -

Join us in

The Construction Conversation Call-In

on

**Wednesday, December 18,
2024
3:30 pm**

Luther L Liggett is inviting you to a scheduled Zoom meeting.

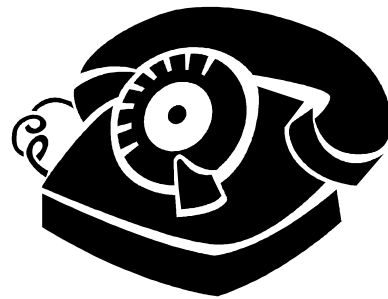
Join Zoom Meeting

<https://us02web.zoom.us/j/82237694928?pwd=k9p0Sa31HT22aib2OwjiIa0OJaNnG4.1>

Meeting ID: 822 3769 4928

Passcode: 567031

One tap mobile
+13017158592



The Construction Conversation

November 2024

Page 5