

The Construction Conversation

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

July, 2022

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

Legislative: Fall Elections

Ohio's General Election will be held Tuesday, November 8, 2022, after the second Primary to be held Tuesday, August 2, 2022 with early voting already begun.

The Special Primary is to select State Representatives and Senators for the General Assembly, delayed because of the continued unconstitutionality of the legislative District boundaries, currently in litigation before the Ohio Supreme Court.

All Statewide Officeholders will be up for election at the General Election in November, along with U.S. and Ohio state legislators.

All Republican incumbents for Governor, Attorney General, Treasurer, Auditor, and Secretary of State are running for re-election. The Ohio Supreme Court Chief Justice is retiring, so voters will select a new Chief Justice.

In the May 3, 2022 Primary Election, only 21% of Ohio's 8 million Registered Voters cast a ballot, two-thirds for Republicans, and one-third for Democrats.

Judicial: In Bed with a Neighbor

When a buyer purchased a neighbor's home that sustained hail damage to the roof, the seller failed to disclose prior roof damage and leaks to the buyer. Seller owned a roofing company, buyer planning to submit the repair cost to the buyer's insurer, with the seller undertaking the repairs. Signing a purported agreement, the

buyer sent the work to another company. Seller initiated litigation, claiming a cancellation fee. (Cont'd p. 2.)

Administrative: Construction Funding

The State of Ohio continues to pump multi-millions into Ohio infrastructure, including Brownfield Remediation, Site Revitalization, School Construction Projects, and the Brent Spence Bridge over the Ohio River. (Cont'd p. 2.)

Legislative: Construction Industry Legislation Box Score

The Ohio General Assembly is recessed for campaigning in the local legislative Districts. After the General Election, the legislature is scheduled to return for only 6 days in November and December.

Legislation not passed and signed into law before final adjournment "sine die" (without a day to follow) will expire, and must begin the process anew in the following Legislative Session. (Cont'd p. 2.)

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Judicial: In Bed with a Neighbor

The buyer counterclaimed, accusing the contractor of fraud and defamation, specifically that the seller accused the buyer of poisoning and drowning neighborhood cats. Buyer also claimed that seller was having an affair with his wife; seller retorted that his partner was not married.

Both parties filed Motions for Summary Judgment. Instead of granting a win to either side, the local municipal court found that no contract existed, “granted” both motions, and dismissed the whole case.

The buyer appealed. Both sides appeared with lawyers (the only winners here.)

In a fifty-paragraph opinion, the Court of Appeals noted that neither side received consideration, in the form of services or payment. Therefore, no contract existed.

With no agreement, neither party had a claim. The Court did not address either cats or wives.

Geletka v. Radcliff, 8th Dist. Cuyahoga, 2022-Ohio-2497.

Administrative: Construction Funding

The Ohio Department of Development announced \$30 million for applications due September 30, 2022, for the Third Round of Brownfield remediation. The First Round allocated \$252 million, and the Second Round remains under review.

Eighty-Seven Counties requested local funding for the Ohio Building Demolition and site Revitalization Program. Administered by the Ohio Department of

Development, the State awarded \$42.2 million of \$500,000.00 for each county, with additional funding up to the program total of \$150 million.

The Ohio Facilities Construction Commission approved funding for five school construction projects, with local share funding totaling \$458 million in work. Projects include:

Brunswick, Medina County \$109 million
Crestview, Columbiana County \$63 million
Fairport, Lake County \$50 million
West Carrollton, Montgomery \$153 million
Xenia, Greene County \$82 million

Ohio and Kentucky are re-designing the Brent Spence Bridge to exclusively carry interstate traffic, leaving local traffic on the existing bridge. The new design will cover 14 acres, and cost more than \$1.6 billion. The plan is for groundbreaking in Fall 2023.

Legislative: Construction Industry Legislation Box Score (Cont'd)

Legislation still pending which affects the Construction Industry is as follows:

HB 68 Private Contractor Payment (Cross J, Sweeney B) To require owners of private construction projects to timely pay a contractor. 5/25/2022 - BILL AMENDED, Senate Workforce and Higher Education, (Fourth Hearing) 5/19/2021 - PASSED BY HOUSE; Vote 86-11

HB 88 Require License For Commercial Roofing Contractors (Patton T) To require commercial roofing contractors to have a license. 3/16/2022 - Referred to Committee Senate Government Oversight and Reform 3/2/2022 - PASSED BY HOUSE; Vote 75-16

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HB 146 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)

HB 181 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. 4/5/2022 - House Commerce and Labor, (Fourth Hearing)

HB 203 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. 6/1/2022 - PASSED BY HOUSE; Vote 56-33

HB 235 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. 5/31/2022 - REPORTED OUT AS AMENDED, House Commerce and Labor, (Fifth Hearing)

HB 247 Revise Plumbing Inspection Law (West T, Kelly B) To amend the law related to plumbing inspections. 5/26/2021 - Referred to Committee Senate Health 5/19/2021 - PASSED BY HOUSE; Vote 97-0

HB 264 Modify Tax Rule For Employees Of Temporary Worksite (Smith M, Sobecki L) To amend Section 29 of H.B. 197 of the 133rd General Assembly to modify the municipal income tax withholding rule for employees working at a temporary worksite. 4/22/2021 - Referred to Committee House Ways and Means

HB 275 Expand Political Subdivision Joint Purchasing Authority (Lampton B) To expand political subdivision joint purchasing authority to expressly include purchases for construction services. 5/12/2021 - House Commerce and Labor, (First Hearing)

HB 401 Employer-Mandated Covid Vaccination Injury (Edwards J) To exempt an injury or disability caused by an employer-mandated COVID-19 vaccination from the Workers' Compensation Law and to allow the employee to sue the employer for damages. 8/24/2021 - Introduced

HB 509 Revise Occupational Regulations (John M, Fowler S) To revise and streamline state's occupational regulations. 5/25/2022 Senate Workforce & Higher Education (First Hearing) 3/23/2022 - PASSED BY HOUSE; Vote 92-1

SB 20 County Utility Supply Contracts (Hackett R) To exempt county utility supply contracts entered into under joint purchasing program from 10-year maximum period for such contracts. 3/24/2021 - Referred to Committee House State and Local Government 3/17/2021 PASSED BY SENATE; Vote 33-0, Emergency Clause 32-1

SB 56 Indemnity-Design Contracts (Blessing L) To regulate indemnity provisions in professional design contracts

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related to public improvements, to modify the definition of "emergency call," to provide for the allocation of damages in certain provisions of the Political Subdivision Sovereign Immunity Law, and to provide a municipal corporation or county immunity from liability in any action arising from a hospital police officer acting in the discharge of duties in specified locations. 3/2/2022 Consideration of House Amendments; Senate Does Not Concur, Vote 0-32 1/26/2022 - PASSED BY HOUSE; Vote 91-2 5/19/2021 - PASSED BY SENATE; Vote 31-0

SB 64 Regulate Roofing Contractors (Hottinger J, Lang G) To regulate and require the registration of roofing contractors. 10/6/2021 - SUBSTITUTE BILL ACCEPTED, Senate Government Oversight and Reform, (Third Hearing)

SB 83 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. 1/25/2022 - Re-Referred to Committee 12/7/2021 - REPORTED OUT, House Agriculture and Conservation, (Fifth Hearing) 5/19/2021 - PASSED BY SENATE; Vote 32-0

SB 131 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 PASSED BY SENATE; Vote 31-0

SB 142 Construction Contractor Licensing (Schaffer T) To license residential only construction contractors and to make

changes to the law regulating specialty construction contractors. 10/20/2021 - Senate Small Business and Economic Opportunity, (Third Hearing)

SB 175 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

SB 196 Building Inspections (Roegner K) To make changes to the law relating to building inspections [expedite Board of Building Appeals process]. 5/17/2022 - Referred to Committee House Commerce and Labor 4/6/2022 - PASSED BY SENATE; Vote 32-0

SB 260 Local Purchasing Authority-Construction (Lang G) To expand political subdivision joint purchasing authority to expressly include purchases for construction services. 4/5/2022 - Senate Local Government and Elections, (Third Hearing)

SB 307 Electric Vehicle Incentives, Utilities (Rulli M) To authorize incentives for the manufacture and usage of electric vehicles, to permit electric distribution utilities to create, and recover costs of, transportation electrification programs, and to make an appropriation. 5/17/2022 - Senate Energy and Public Utilities, (Third Hearing)

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Join us in

The Construction Conversation

Call-In

on

Thursday, August 17, 2022

3:30 p.m.

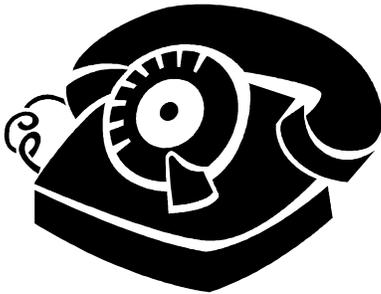
Luther Liggett is inviting you to a scheduled
Zoom meeting.

<https://us02web.zoom.us/j/81486258673?pwd=L2luSDhHdERlbnVlcmt5RVlEWlVlZz09>

Meeting ID: 814 8625 8673

Passcode: 673159

929-205-6099



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