

# **The Construction Conversation**

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

October 2025

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### **Legislative: Prevailing Wage Repeal**

House Bills 512 and 513 would modify requirements relating to construction Project Labor Agreements, and remove the requirement of paying the Prevailing Wage, making it optional. The legislation will be considered in the House Commerce & Labor Committee. (Cont'd p. 2.)

### **Legislative: Building Code Inspections**

House Bill 361 would set certain deadlines on local building departments for considering plans and conducting inspections, and create the right for an owner or contractor to hire a third-party private inspector. (Cont'd p. 2.)

### **Legislative: Regulatory NGO's**

Senate Bill 268 is aimed at curtailing the impact of regulatory-focused Non-Governmental Organizations which promulgate multi-state uniform rules subsequently adopted as model language in specific industries. (Cont'd p. 2.)

### **Legislative: E-Verify in Construction**

House Bill 246 moves out of Committee to the Senate Floor, to require that every commercial construction contractor must verify every employee's eligibility through the E-Verify system operated by Homeland Security and Social Security Administration. (Cont'd p. 3.)

### **Judicial: Notary Jurat Missing**

A Court of Appeals reversed a trial court's finding that a Mechanics' Lien

Affidavit was notarized sufficiently when using an acknowledgement, and not a sworn "notarial certificate" of administering an oath. (Cont'd p. 3).

### **Administrative: Public Meetings, Records Laws Apply to Proposals**

The Ohio Attorney General issued an Opinion of law that when a county seeks sealed proposals for goods and services, instead of competitive bids, Ohio's Open Meetings and Public Records laws apply. (Cont'd p. 3).

### **Administrative: OCILB Actions**

The Specialty Trades Sections of the Ohio Construction Industry Licensing Board met in October to issue Contractor Licenses and to authorize enforcement actions. (Cont'd p. 3).

### **Administrative: State Project Funding**

Three State financing agencies awarded credits and loans to project owners for new construction. (Cont'd p. 4).

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## **Legislative: Prevailing Wage Repeal** **(Cont'd)**

House Bill 512 is co-sponsored by Representatives Thad Claggett (R, Newark) and Heidi Workman (R, Rootstown), to prohibit public authorities which receive state funds from requiring bidders to abide by a Project Labor Agreement.

A typical Agreement would require that successful bidders pay the minimum local wage and abide by standard work rules prohibiting strikes, lockouts, slowdowns, and other work stoppages during the course of construction.

Over twenty years ago, the Ohio Supreme Court held that state legislation regulating Project Labor Agreements “is preempted by the National Labor Relations Act (“NLRA”), Section 151 et seq., Title 29, U.S. Code and, therefore, violates the Supremacy Clause of the United States Constitution” *Ohio State Bldg. & Constr. Trades Council v. Cuyahoga Cty. Bd. of Commrs.*, 98 Ohio St.3d 214, 2002-Ohio-7213.

House Bill 513 is co-sponsored by Representatives Beth Lear (R, Galena) and Meredith Craig (R, Smithville), to delete the requirement that Public Works bidders pay the minimum local Prevailing Wage, so as to insure broad competitive bidding.

Currently, only school construction is exempt from Prevailing Wage requirements. HB 513 would add the exemption to all other public construction.

## **Legislative: Building Code Inspections** **(Cont'd)**

Co-sponsored by Representatives Brian Lorenz (R, Powell) and Tex Fischer

(R, Youngstown), the legislation is supported by the Ohio Home Builders Association as a way to expedite the plan permitting and inspection process.

The bill also received support from the Ohio Building Officials Association, provided certain amendments are adopted.

Also included are deadlines for local boards to make land use decisions involved in zoning, giving a presumption of approval if the deadline is not met.

The bill is assigned to the House Local Government Committee.

## **Legislative: Regulatory NGO's (Cont'd)**

Co-sponsored by Senator George Lang (R, West Chester) and Alessandro Cutrona (R, Canfield), the legislation proposes to require each agency which adopts a model administrative rule to file a statement disclosing the promulgating NGO along with numerous details.

By example, the Ohio Board of Building Standards routinely adopts uniform language for Ohio Building Codes based on the International Code Council (ICC) or the American Society of Mechanical Engineers (ASME).

The initiative appears to be driven by the argument that uniform, model language incorporates certain liberal biases, proposed by The Claremont Institute in their publication “The American Mind”:

<https://americanmind.org/memo/why-red-states-cant-govern/>

The legislation is assigned to the Senate General Government Committee.

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## **Legislative: E-Verify in Construction** **(Cont'd)**

Matt Szollosi, Executive Director of the Affiliated Construction Trades Ohio Foundation (ACT Ohio) representing construction trade unions expressed strong support. “When labor brokers smuggle workers into the United States, pay substandard wages, offer no benefits, and kick them to the curb if they get hurt on the jobsite, it hurts Ohio.”

The law applies only to a “Nonresidential construction contractor” responsible for the means, method, and manner of construction, thus excluding design professionals or construction managers not subcontracting the work.

The House previously passed the bill unanimously. New Revised Code Chapter 4151 will be effective 90 days after the Governor’s signature.

## **Judicial: Notary Jurat Missing**

In the Mechanics’ Lien at issue, the notary used only an acknowledgement stating that the signer “acknowledges that [he] did sign the foregoing instrument”.

Missing was the language stating that the signer was under oath. For Mechanics Liens, R.C. 1311.06(C) requires affirmation of the oath.

A form of notarial jurat includes the language, “Sworn to before me and subscribed in my presence by [name] this \_\_\_ day of [month], [year].” R.C. 147.542.

While the contractor’s claim underlying the Mechanics’ Lien remained valid, the contractor’s lien was invalid, such that the contractor could not foreclose on the

real estate for payment.

*Grinder v. Schaaf*, 11<sup>th</sup> Dist. Portage, 2025-Ohio-4723.

## **Administrative: Public Meetings, Records** **Laws Apply to Proposals (Cont'd)**

R.C. 307.86 et seq allows counties to solicit proposals when purchasing goods and services, instead of competitive bids.

The selection committee which evaluates proposals is subject to R.C. 121.22, requiring an open meeting or a valid exercise of executive session.

Likewise, R.C. 149.43 provides that all proposals are Public Records unless properly redacted pursuant to an express statutory exemption. However, those records do not become public until the process concludes after the negotiation and award of a contract. This includes the selection committee’s records ranking and evaluating the proposals.

Ohio Attorney General Opinion 2025-021 to the Butler County Prosecuting Attorney

## **Administrative: OCILB Actions (Cont'd)**

The Administrative Section approved the Board’s budget, approved a training agency, and ratified the Executive Secretary’s issuance of licenses, 1,873 in July, 408 in August, and 365 in September.

The Specialty Trades Sections approved the majority of applicants including reciprocal candidates to sit for the test.

The Electrical Section fined an unlicensed contractor \$1,000.00 for performing electrical work.

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The Plumbing and Hydronics Section fined the same unlicensed contractor who performed electrical work as also performing plumbing work, with a second fine of \$1,000.00.

The HVAC/Refrigeration Section fined the same unlicensed contractor who performed electrical and plumbing work as also performing HVAC and Refrigeration work, with a third and fourth fine of \$1,000.00 each.

## **Administrative: State Project Funding** **(Cont'd)**

The Ohio Tax Credit Authority rebated state income taxes due from new employees in consideration of 5 projects which result in new payroll of over \$14 million. Those projects include:

- Vantage Data Centers Management Co, LLC relocation building for \$2.1 billion in Millersport, Fairfield County;
- Axium Packaging LLC, relocation building for a new warehouse in Jersey Township and New Albany;
- Becker Mining America, Inc., acquisition of an existing facility in Mount Vernon, Knox County;
- Ohio Bridge Corp. construction of a 70,000 square foot building in Cambridge, Guernsey County; and
- Vilpe USA LLC a Finland manufacturer of roofing and HVAC, constructing its first North American office in Mason, Warren County.

The Ohio Air Quality Development Authority issued \$8.5 million in revenue bonds to finance a new 71-unit housing

project developed by the non-profit Finance Fund, named “Artem on Gay” in Columbus, Franklin County.

The Ohio Water Development Authority awarded \$10.9 million in low-interest loans to five cities for wastewater and drinking water infrastructure projects, including:

- Arlington, Hancock County, \$702,000 for a new water tower;
- Brookville, Montgomery County, \$3.5 million for the design of a wastewater treatment plant;
- Cuyahoga Falls, Summit County, \$793,000 for pumping stations, and \$1.9 million for a watermain;
- Medina County, \$3.5 million for a waterline and production wells; and
- Sheffield Lake, Lorain County, \$535,000 for a waterline and storm sewer.

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Join us in

## **The Construction Conversation Call-In**

on

**Thursday, November 13, 2025  
3:30 pm**

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

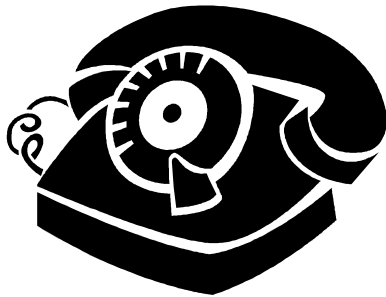
Topic: October Construction Conversation  
Time: Thursday, November 13, 2025 03:30  
PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85935277637?pwd=2KcKkCZteQVhbOKb6uLBtZsUmwoKF>  
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Meeting ID: 859 3527 7637  
Passcode: 347580

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