

**LUTHER L. LIGGETT, JR.**  
**ATTORNEY AT LAW**

April 7, 2025  
BY EMAIL ONLY

Hon. Susan Manchester, Senator  
Chair, Senate Government Oversight Committee  
Senate Building, Room 048  
Columbus OH 43215

Manchester@ohiosenate.gov  
Ellie Bain@ohiosenate.gov

RE: HB 96 Hearing

Dear Senator Manchester:

I am informed that the Senate Government Oversight Committee will consider Substitute House Bill 96 Budget provisions, including for subjects in the Department of Commerce and the Ohio Board of Building Appeals.

On behalf of the American Institute of Architects, Ohio Society; the Ohio Chapter of the American Society of Landscape Architects, and the National Electrical Contractors Association, Toledo Chapter, I wish to testify about these associations' concerns with an exception to the Ohio Basic Building Code in the Substitute Bill at pages 2314 and 2315, lines 6685 through 66875, R.C. 3737.83:

(G) For purposes of determining whether the state fire code requires an automatic sprinkler system or other fire suppression system in an agricultural structure, as defined under section 901.53 of the Revised Code, the state fire marshal shall not include accessory spaces that have accessible means of egress in compliance with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102 et seq., in the calculations for square footage or occupant load of the structure's fire area. "Accessory spaces" specifically includes covered or uncovered decks and patios that are not fully enclosed by surrounding walls.

This substantive exception to the Ohio Basic Building Code concerns the health, safety, and welfare of the Ohio public. The language has not been the subject of stand-alone legislation this session, but was added for the first time in the Substitute Bill. The language does not belong in the State budget.

Two years ago, a similar provision appeared in Amended Substitute House Bill 33, the previous Budget legislation. The Governor line-item vetoed this provision with the following veto message:

5053 GRASSLAND DRIVE, DUBLIN, OHIO 43016  
614-561-2892 LLIGGETT@COLUMBUS.RR.COM

### **Exemption from Fire Code Sprinkler Requirements**

This item exempts certain open-air structures from fire code sprinkler requirements and gives the director of the Ohio Department of Commerce the authority to dictate local fire code enforcement. Ohio's building and fire codes are based on model codes developed by experts on fire science and risks. Allowing specific structures to be exempt from sprinkler requirements would deteriorate the impact of precautions meant to protect building occupants from fire hazards. Our current system is designed to have strict standards with the ability for local inspectors to issue variances from certain codes when appropriate, and this provision could result in a significant life safety risk to Ohioans. Further, giving the Director of Commerce authority over the enforcement of local fire code would be an improper insertion of a state agency into the operations of Ohio's local governments and impede their ability to protect their residents.

Therefore, this veto is in the public interest.

It does not appear that your Committee is scheduled for a hearing at this time. Please let me know when I might have the opportunity to testify. I am pleased to meet with you or to discuss by phone any details.

Thank you for your consideration.

Sincerely,

*/s/ Luther L. Liggett, Jr.*

Luther L. Liggett, Jr.

lll/encl.

**I\_136\_0001-4**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. H. B. No. 96**

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To amend sections 3.15, 9.03, 9.07, 9.239, 9.27,	1
9.28, 9.312, 9.331, 9.334, 9.821, 101.352,	2
101.84, 102.02, 103.41, 103.414, 103.71, 103.76,	3
103.77, 103.78, 107.12, 109.73, 109.77, 113.05,	4
113.13, 113.40, 113.51, 113.53, 113.78, 121.02,	5
121.03, 121.085, 121.22, 121.35, 121.36, 121.37,	6
121.93, 121.931, 122.04, 122.09, 122.14,	7
122.175, 122.1710, 122.4041, 122.41, 122.42,	8
122.47, 122.49, 122.53, 122.571, 122.59,	9
122.631, 122.632, 122.633, 122.66, 122.67,	10
122.68, 122.681, 122.69, 122.70, 122.701,	11
122.702, 122.85, 123.10, 123.28, 123.281,	12
124.02, 124.07, 124.1310, 124.1312, 124.152,	13
124.385, 125.01, 125.02, 125.035, 125.036,	14
125.04, 125.041, 125.05, 125.051, 125.061,	15
125.07, 125.071, 125.072, 125.073, 125.09,	16
125.091, 125.11, 125.111, 125.13, 125.18,	17
125.183, 125.31, 125.42, 125.58, 125.601,	18
126.42, 126.60, 127.12, 127.14, 127.16, 128.021,	19
128.41, 128.46, 128.99, 131.01, 131.44, 131.50,	20
131.51, 133.10, 135.01, 135.03, 135.143, 135.18,	21
135.35, 135.352, 135.71, 145.012, 149.3010,	22
149.311, 149.38, 149.43, 153.01, 153.07, 153.08,	23
153.09, 153.12, 153.13, 153.14, 153.50, 153.501,	24

authority is not required to be a party to an agreement 66808  
authorized under this section unless the political subdivision 66809  
is a fee simple owner of real property subject to an exemption 66810  
pursuant to section 3735.67 of the Revised Code that would 66811  
otherwise be obligated to pay real property taxes for such real 66812  
property. 66813

**Sec. 3737.83.** The state fire marshal shall, as part of the 66814  
state fire code, adopt rules to: 66815

(A) Establish minimum standards of performance for fire 66816  
protection equipment and fire fighting equipment; 66817

(B) Establish minimum standards of training, fix minimum 66818  
qualifications, and require certificates for all persons who 66819  
engage in the business for profit of installing, testing, 66820  
repairing, or maintaining fire protection equipment; 66821

(C) Provide for the issuance of certificates required 66822  
under division (B) of this section and establish the fees to be 66823  
charged for such certificates. A certificate shall be granted, 66824  
renewed, or revoked according to rules the state fire marshal 66825  
shall adopt, except that the state fire marshal shall grant a 66826  
certificate in accordance with Chapter 4796. of the Revised Code 66827  
to an applicant if either of the following applies: 66828

(1) The applicant holds a license or certificate in 66829  
another state. 66830

(2) The applicant has satisfactory work experience, a 66831  
government certification, or a private certification as 66832  
described in that chapter as a person engaged in the business of 66833  
installing, testing, repairing, or maintaining fire protection 66834  
equipment in a state that does not issue that certificate. 66835

(D) Establish minimum standards of flammability for 66836

consumer goods in any case where the federal government or any 66837  
department or agency thereof has established, or may from time 66838  
to time establish standards of flammability for consumer goods. 66839  
The standards established by the state fire marshal shall be 66840  
identical to the minimum federal standards. 66841

In any case where the federal government or any department 66842  
or agency thereof, establishes standards of flammability for 66843  
consumer goods subsequent to the adoption of a flammability 66844  
standard by the state fire marshal, standards previously adopted 66845  
by the state fire marshal shall not continue in effect to the 66846  
extent such standards are not identical to the minimum federal 66847  
standards. 66848

With respect to the adoption of minimum standards of 66849  
flammability, this division shall supersede any authority 66850  
granted a political subdivision by any other section of the 66851  
Revised Code. 66852

(E) Establish minimum standards pursuant to section 66853  
5104.05 of the Revised Code for fire prevention and fire safety 66854  
in child care centers and in type A family child care homes, as 66855  
defined in section 5104.01 of the Revised Code. 66856

(F) Establish minimum standards for fire prevention and 66857  
safety in a residential facility licensed under section 5119.34 66858  
of the Revised Code that provides accommodations, supervision, 66859  
and personal care services for three to sixteen unrelated 66860  
adults. The state fire marshal shall adopt the rules under this 66861  
division in consultation with the director of mental health and 66862  
addiction services and interested parties designated by the 66863  
director of mental health and addiction services. 66864

(G) For purposes of determining whether the state fire 66865

code requires an automatic sprinkler system or other fire 66866  
suppression system in an agricultural structure, as defined 66867  
under section 901.53 of the Revised Code, the state fire marshal 66868  
shall not include accessory spaces that have accessible means of 66869  
egress in compliance with the "Americans with Disabilities Act 66870  
of 1990," 42 U.S.C. 12102 et seq., in the calculations for 66871  
square footage or occupant load of the structure's fire area. 66872  
"Accessory spaces" specifically includes covered or uncovered 66873  
decks and patios that are not fully enclosed by surrounding 66874  
walls. 66875

**Sec. 3742.32.** (A) The director of health shall appoint an 66876  
advisory council to assist in the ongoing development and 66877  
implementation of the child lead poisoning prevention program 66878  
created under section 3742.31 of the Revised Code. The advisory 66879  
council shall consist of the following members: 66880

(1) A representative of the department of medicaid; 66881

(2) ~~A representative of the bureau of child care in the~~ 66882  
~~department of job and family services;~~ 66883

~~(3)~~ A representative of the department of environmental 66884  
protection; 66885

~~(4)~~ (3) A representative of the department of education and 66886  
workforce; 66887

~~(5)~~ (4) A representative of the department of development; 66888

~~(6)~~ (5) A representative of the department of children and 66889  
youth; 66890

~~(7)~~ (6) A representative of the Ohio apartment owner's 66891  
association; 66892

~~(8)~~ (7) A representative of the Ohio healthy homes network; 66893