

# State Representative Richard Dell'Aquila

## Ohio House District 15

(614) 466-3100 | [rep15@ohiohouse.gov](mailto:rep15@ohiohouse.gov) | [@RickDellAquila](https://twitter.com/RickDellAquila) | [facebook.com/RepDellAquila](https://facebook.com/RepDellAquila)



| **December 2023**

### **Committees:**

- *Financial Institutions (Ranking Member)*
- *Aviation and Aerospace*
- *Commerce and Labor*
- *Economic and Workforce Development*
- *Ways and Means*
- *9-1-1 Steering Committee*

Dear Neighbors,

I hope you are all able to spend time with friends and family as we begin to wrap up 2023. This month's newsletter will include a few of the legislative highlights from this past year, including a few pieces of legislation that have the potential to move during this last month. While I have extensively discussed the urgent need for ensuring that Ohioans are able to live comfortably, more work is yet to come to make certain that progress will be made.

Additionally, the FY 2025—2026 Capital Budget process is well underway. In this newsletter, I will have basic information as to what the Capital Budget is, how it affects our communities, and how it can better serve the economic and financial burden on our non-profit and local governmental entities. While this budget will not be finalized until early 2024, I hope to make you all aware of what the budgetary process will look like.

Lastly, I will detail a few of the events that will be going on as we approach the holidays. Wishing everyone Happy Holidays, Merry Christmas and a Happy New Year. May your hearts be full of love, laughter, and the warmth of cherished moments. Here's to spreading kindness, sharing smiles, and creating beautiful memories. I wish you all a wonderful 2024!

Thank you again for allowing me to represent you throughout 2023 and into 2024. Please – as always—do not hesitate to reach out should I ever be of assistance.

Sincerely,

*Richard Dell'Aquila*

State Representative Richard Dell'Aquila  
77 South High Street, 11th Floor  
Columbus, OH 43215  
Office: (614) 466-3100





## Legislative Updates

**The Second Amendment Preservation Act (SAPA):** HB 51, the “Second Amendment Preservation Act” was just reported out of committee by a 7-4 vote, split along party lines. This bill would add provisions to Ohio law restricting state enforcement of federal firearms law. There is a comparable law within the state of Missouri, currently under challenge in federal court, which illustrates why HB51 is an unconstitutional overreach.

Federal courts are considering the constitutionality of the Missouri law, which would also prevent state police officers from enforcing federal restrictions on the sale and ownership of firearms. Previously, a federal court had ruled that the Missouri law is unconstitutional because it violates the U.S. Constitution’s Supremacy Clause, which mandates that state laws cannot nullify federal laws.



The Missouri law prohibits local law enforcement officials from enforcing federal firearms laws that the state believes are unconstitutional and imposes fines up to \$50,000 for violations of that ban. In Feb. 2022, the federal government sued the state of Missouri, seeking to block the state from enforcing this law. A federal court declared the law unconstitutional and issued a stay order, barring Missouri from enforcing the law pending appeal. The matter is now before the U.S. Court of Appeals for the 8th Circuit.

HB51 would prohibit the application of state resources and cooperation in federal law enforcement efforts, such as task forces, etc. Of even more significant concern is that after HB51 was amended in the committee process, the substituted language, at proposed 2923.50(L)(4), would still seek to render federal firearms law unenforceable in Ohio, by declaring that:

*“If the federal government assumes powers that the people did not grant it in the Constitution of the United States, its acts are **unauthoritative and of no force.**”* [Emphasis added]

This language in the bill clearly seeks to nullify federal law and to treat those federal statutes as invalid and unenforceable in Ohio by allowing the state to determine on its own which federal provisions are void.

There is in U.S. history an analogous but long repudiated political doctrine, known as “states’ rights” that demonstrates the danger of allowing such unilateral state action. “States’ rights” was a code term to permit slavery and lead to our Civil War in 1860.

A controversy erupted three decades earlier in the Jackson Administration over a tariff that the state of South Carolina objected to, and is known as the Nullification Crisis. South Carolina claimed to have the authority to nullify within its borders federal laws such as this tariff, which the state found to be unconstitutional. President Jackson saw this attempted nullification as a threat to the preservation of the Union, issuing his “Nullification Proclamation,” in 1832, stating in part:

*“I consider, then, the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which It was founded, and destructive of the great object for which it was formed...”*



## Legislative Updates (continued)

Now in Ohio, HB51 also proposes to render void in our state such laws and regulations that the State of Ohio could determine on its own to violate the U.S. Constitution. What is this, if not nullification?

In committee hearings, several organizations have raised the alarm over HB51, including the Ohio Association of Chiefs of Police, the Ohio Municipal League, Ohio Prosecuting Attorneys Association, Buckeye State Sheriffs Association, the Cuyahoga County Prosecutor, and the Ohio Mayors Alliance. Now the legislation will evolve as it works its way through the legislature.

**Ohio's Child Enticement Statute:** While we are on the subject of constitutionality, last April, I introduced HB148 to amend the Ohio Revised Code and strengthen our state's child-enticement law by closing a loophole in a section of law declared unconstitutional nearly a decade ago. The Ohio Supreme Court in *State v. Romage*, declared this code section impermissibly "overbroad" because it could be read to prohibit otherwise legal activities involving a minor (e.g. baby sitting, lawn mowing, snow shoveling, etc.). Law enforcement

needs clarity and power to go after dangerous child predators.

Without true reform, courts and law enforcement have, at times, had no choice but to dismiss alleged violations of this statute as currently written. Previous legislative amendments to the statute did not correct the problem raised in *Romage*.



In recent years, criminal charges under the existing law have been dismissed by the courts and civil lawsuits have been filed against municipalities that brought criminal charges under this problematic section of the law. I hear regularly from local government officials about this ongoing problem.

The law prohibits any person, without a privilege to do so, from knowingly "Soliciting, Coaxing, Enticing, or Luring" a child under age 14 into a vehicle or vessel. However, it fails to adequately clarify that otherwise innocent activities are not a violation. Hence, the Ohio Supreme Court ruled that the statutory language is overly broad. In consultation with law enforcement, I proposed constitutionally compliant language to require that only conduct arising from an unlawful intent or motivation would be a violation.

One of the objections previously raised, but now resolved, is that previous exceptions for parental consent, law enforcement, and emergencies should remain in the statute. However, these exceptions are redundant, being already covered by the existing statutory requirement that the alleged offender was not legally "privileged" to act. I thank State Representative Josh Williams (HD-41) for working with me on language to clarify that question, and for joining with me as a joint sponsor of a substitute bill.

We are now working to have our first committee hearing scheduled to present testimony on this important issue. Hopefully, after almost a decade since the Ohio Supreme Court ruled the existing law unconstitutional, the House can work on a bipartisan approach to remedy this constitutional issue and protect Ohio children from child predators. Our kids deserve nothing less.



## Legislative Updates (continued)

**Auto Sears:** As you may know, I will soon introduce legislation to prohibit the manufacture of auto sears – also known colloquially as “switches” or “chips.” These are dime-sized plastic devices that can be quickly installed onto semi-automatic handguns (and perhaps rifles), allowing fully automatic fire with just one trigger pull. This can modify a firearm to discharge 31 rounds in approximately 2.1 seconds by just one trigger pull, according to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

This illegal conversion device has been increasingly found by local and federal law enforcement. Please see, for example, [this link to a 9/5/2023 Cleveland.com article](#) regarding U.S. Marshal Pete Elliott’s arrest of 59 persons in Cleveland for alleged illegal gun sales and seizure of several illegal firearms, together with 28 auto sears.

With the prevalence of 3D printing technology, the problem has metastasized in that these devices are being surreptitiously manufactured with relative ease and minimal expense. The potential enactment of this legislation will not negatively impact the 2<sup>nd</sup> Amendment rights of lawful gun owners, but will prohibit the illegal manufacture of these devices, and potentially save lives.

Given the 1400% increase in reported machine gun related incidents since 2019, along with the increased rate of federal converted machine gun cases seized from 300 in 2020 to over 1500 in 2021, the urgency is manifest to address this low-cost method of dangerous firearm modification to protect our families and communities.



**Last Mile Legislation:** Workforce Development is vitally critical to maintaining our state’s economic status. As the technological and industrial development of our state advances, the demand has increased for a more skilled workforce. That need can be filled by more training, apprenticeships, and partnerships with industry to develop and hire skilled employees. Not everyone needs or wants a college degree. There are great opportunities in the skilled trades--and everyone wins:

- Employers train the workforce to fill their needs
- New employees gain marketable skills that will carry them through their careers, and
- Society benefits through greater development and thriving, more prosperous, communities.

One of the issues confronted by those just entering the workforce is that of transportation to and from their places of employment. Public transportation doesn’t always provide door to door access.

So, another piece of legislation that I am currently working on addresses “last mile” transportation. With recent inflation and skyrocketing costs, it is more unaffordable than ever for Ohioans to be able to get to their place of work. Similarly, getting from home to work is not always as simple as getting from point A to point B. Last mile transportation, if encouraged by the state, would greatly assist our hardworking Ohioans in finding reliable and more economic means of travelling to and from work.



## Legislative Updates (continued)

### Workforce Development Update:

There is good news on the workforce development front for Ohio high school students. This past June, various state agencies jointly submitted a proposal for a statewide apprenticeship program for high school students which considered various factors, including eligibility requirements, processes for securing and approving apprenticeships, and fiscal issues such



as a method of determining actual costs and payments to businesses and funding for schools for pre-apprenticeship and apprenticeship programs.

The proposal contains several recommendations to improve pre-apprenticeships and registered apprenticeships by addressing barriers, streamlining processes, and providing additional funding. Among the various elements in the proposal, the workgroup recommends:

- Establishing 14 years of age as the minimum to participate in pre-apprenticeships, providing flexibility in the number of work hours expected of participants, and prioritizing a student's educational needs when designing programs,
- Avoiding statewide restrictions based on grade point average (GPA) but permitting schools to locally set a minimum GPA and additional appropriate criteria to participate,
- Leveraging the OhioMeansJobs.com website in various ways to increase accessibility and awareness of pre-apprenticeship and apprenticeship opportunities,
- Increasing reimbursement to employers, including up to \$2,000 per eligible apprentice with a cap of \$30,000 per employer per fiscal year,
- Establishing per-pupil funding through CTPDs for apprenticeship programs, and directing the new funding to individual districts and schools to hire staff to implement the programs, and;
- Engaging schools and employers with local institutions of higher education when designing pre-apprenticeship programs in an effort to increase opportunities for students to earn college credit for learning gained through the program.

The complete Proposal for Statewide Apprenticeship Program for High School Students (PDF) is available at [lsc.ohio.gov/publications](https://lsc.ohio.gov/publications), by clicking on "Monthly Agency Reports" and then the report for June 2023.



## Capital Budget & Around the District

**CAPITAL BUDGET**—Separate from the State Operating Budget that was passed earlier this year, the Ohio Capital Budget is an opportunity for local governments and non-profits to apply for and gain financial assistance from the \$150—\$200 million of state funds on a biannual basis. This budget will be for fiscal years 2025 and 2026.

For the first time, this year's Capital Budget will also include \$700 million for unique one-time projects under the One-Time Strategic Community Investments Fund (OTSCIF), designed to bring community projects either off the ground with initial funding, or to the finish line with last-out funding.

As such, we have been receiving many applications across the district and county for many transformative and meaningful projects. While this is intended to provide cursory information regarding the Capital Budget, we are here to be a resource and to assist should there be any projects you may be aware of that could find these funds useful or just have general questions about the budget process.

This year's deadline for project applications is on December 18th.



## Cuyahoga County Public Library



JOIN US!

# holiday party

**CLEVELAND MAENNERCHOR**

**TUES DEC 12 / 6:30-9:30 PM**

4515 STATE ROAD

Celebrate the holidays with the OBYPs!  
Join us for an evening of food, music, and fun!

RSVP @ [rebrand.ly/obholidayparty](https://rebrand.ly/obholidayparty)



**BROOKLYN**—The Brooklyn Branch of the Cuyahoga County Public Library has had a successful first year in their new building; especially for the holiday season, there are quite a few events that they are hosting.

In addition to their [Annual Toy Drive](#), there are several upcoming events that you should consider attending, such as the [Brooklyn Knit Night](#) on December 6th at 7:15 PM, or the [Excel Charting and Formatting Class](#) on December 8th from 10:00 AM—12:00 PM.

There are a variety of resources CCPL offers our community, so whichever branch you choose to go to, go to [cuyahogalibrary.org](https://cuyahogalibrary.org) to learn more and take advantage of the wonderful services they provide.

Join the Old Brooklyn Young Professionals' Holiday Party on December 12th! Go to [www.rebrand.ly/obholidayparty](https://www.rebrand.ly/obholidayparty) to RSVP.



## Around the District (continued)

Refuge Church is hosting a Ladies' Christmas Luncheon! Register below. Questions? Contact 216-571-4912 for more information.



**CLEVELAND  
BUILDS**

### UNION CONSTRUCTION APPRENTICESHIP-READINESS PROGRAM



### FOLLOW THESE THREE STEPS TO BEGIN A CAREER

1

Scan QR code or go to [clevelandbuilds.com/get-in-touch](https://clevelandbuilds.com/get-in-touch) to express interest. You will be contacted soon after submitting form to schedule an interview. Must be 18 years of age or older and a high school graduate (or equivalent) to participate.



2

Attend all apprenticeship-readiness program classes, pass drug screening, and successfully complete program.

3

Work closely with Cleveland Builds to get placed in a union apprenticeship. Must have reliable transportation in order to be placed. Please note that placements are not guaranteed and may take a few months.

(216) 314-1682    CLEVELANDBUILDS.COM  
950 KEYNOTE CIRCLE #10    CLEVELAND, OH 44131