

As Introduced

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S. B. No. 11

**SENATORS Hagan, Nein, Ryan, Shoemaker, Furney, Herington, DiDonato,
McLin, Brady, Prentiss, Mallory, Fingerhut, Armbruster, Oelslager, Spada**

A B I L L

To amend section 153.011 of the Revised Code to modify
criteria regarding the use of foreign steel
products for public improvements, to authorize the
Director of Administrative Services to investigate
and the Attorney General to enforce the prohibition
against impermissible use of foreign steel, and to
establish a civil penalty for violation of this
prohibition.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 153.011 of the Revised Code be
amended to read as follows:

Sec. 153.011. (A)~~(1) Whenever~~ Except as provided in division
(D) of this section, whenever any building or structure, including
highway improvements, in whole or in part supported by the state
~~and not yet bid,~~ is to be erected or constructed, or whenever
additions, alterations, or structural or other improvements are to
be made, or heating, cooling, or ventilating plants or other
equipment is to be installed or material supplied therefor, ~~and~~ if
any steel products are to be used or supplied in the construction,
repair, or improvement project, only steel products as defined in

this division (E) of this section shall be used or supplied in the 20
project. 21

+2)(B) Whoever supplies steel products in violation of 22
division (A) of this section shall pay a civil penalty equal to 23
one and one-half times the cost of the steel products supplied in 24
violation of division (A) of this section. Upon collection of the 25
civil penalty pursuant to an action authorized by division (C) of 26
this section, the attorney general shall pay the money collected 27
to the treasurer of the board of education of the city, local, or 28
exempted village school district in which the construction, 29
repair, or improvement project for which the steel products used 30
in violation of division (A) of this section is located. The 31
treasurer shall deposit the civil penalty into the school 32
district's general fund. 33

(C) Whenever the director of administrative services has 34
reasonable cause to believe that a person has supplied steel 35
products in violation of division (A) of this section, the 36
director shall conduct an investigation to determine whether the 37
person has supplied or is supplying steel products in violation of 38
division (A) of this section. Upon conducting the investigation, 39
if the director finds that the person has supplied or is supplying 40
steel products in violation of division (A) of this section, the 41
director shall request the attorney general to commence an action 42
under this section against the person for violating division (A) 43
of this section. Any action under this section is a civil action, 44
governed by the Rules of Civil Procedure and other rules of 45
practice and procedure applicable to civil actions. The remedy 46
provided in this section is cumulative and concurrent with any 47
other remedy provided in this chapter, and the existence or 48
exercise of one remedy does not prevent the exercise of any other. 49

(D) Pursuant to section 5525.21 of the Revised Code, the 50
director of transportation may authorize the use of a minimal 51

amount of foreign steel products in contracts for public bridge projects. 52
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The director of administrative services may waive the requirements of division (A) of this section if the director determines that either division (A) or (B) of section 5525.21 of the Revised Code is true in connection with a public bridge project. The director shall issue this determination in writing. 54
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(E) As used in this ~~division~~ section: 59

~~(a)(1)~~ "Steel products" means products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed, or processed by a combination of two or more of such operations, and used for load-bearing purposes, from steel made in the United States by the open hearth, basic oxygen, electric furnace, bessemer or other steel making process. 60
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~~(b)(2)~~ "United States" means the United States of America and includes all territory, continental or insular, subject to the jurisdiction of the United States. 66
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~~(B) Pursuant to section 5525.21 of the Revised Code, the director of transportation may authorize the use of a minimal amount of foreign steel products in contracts for public bridge projects.~~ 69
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Section 2. That existing section 153.011 of the Revised Code is hereby repealed. 73
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