

As Passed by the House

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Am. Sub. S. B. No. 11

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A B I L L

To amend sections 153.011 and 153.99 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, to establish a civil penalty for violation of this prohibition, and to declare an emergency.

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

Section 1. That sections 153.011 and 153.99 of the Revised Code be amended to read as follows:

Sec. 153.011. ~~(A)(1) Whenever~~ Except as provided in division 12
(D) of this section, whenever any building or structure, including 13
highway improvements, in whole or in part supported by ~~the~~ state 14
~~and not yet bid~~ capital funds, including moneys from the education 15
facilities trust fund, is to be erected or constructed, or 16
whenever additions, alterations, or structural or other 17
improvements are to be made, ~~or heating, cooling, or ventilating~~ 18
~~plants or other equipment is to be installed or material supplied~~ 19
~~therefor,~~ and if any steel products are to be ~~used~~ purchased for 20
or ~~supplied~~ provided in the construction, repair, or improvement 21
project, only steel products as defined in ~~this~~ division (F) of 22
this section shall be ~~used~~ purchased for or ~~supplied~~ provided in 23
the project. 24

~~(2)(B)(1)~~ No person shall purchase or provide steel products 25
in violation of division (A) of this section. 26

(2) Notwithstanding division (B) of section 153.99 of the 27
Revised Code, no person who purchases steel products in violation 28
of division (A) of this section shall be held liable in a civil 29
action commenced under division (C) of this section, or pay a 30
civil penalty under division (B) of section 153.99 of the Revised 31
Code, if that person can demonstrate the person's compliance with 32
division (E) of this section. 33

(C) Whenever the director of administrative services has 34
reasonable cause to believe that any person has purchased or 35
provided steel products in violation of division (A) of this 36
section, the director shall conduct an investigation to determine 37
whether the person has purchased or provided or is purchasing or 38
providing steel products in violation of division (A) of this 39
section. Upon conducting the investigation, if the director finds 40
that the person has purchased or provided or is purchasing or 41
providing steel products in violation of division (A) of this 42

section, the director shall request the attorney general to 43
commence a civil action under this section against the person for 44
violating division (A) of this section. The remedy provided in 45
this section is concurrent with any other remedy provided in this 46
chapter, and the existence or exercise of one remedy does not 47
prevent the exercise of any other. Upon collection of the civil 48
penalty under division (B) of section 153.99 of the Revised Code, 49
pursuant to an action authorized under this section, the attorney 50
general shall pay the money collected to the treasurer of the 51
board of education of the city, local, or exempted village school 52
district and joint vocational school district, if one exists, in 53
which the construction, repair, or improvement project for which 54
the steel products used in violation of division (A) of this 55
section is located. The treasurer shall deposit the civil penalty 56
in equal amounts into the school district's general fund and the 57
joint vocational school district's general fund. If a joint 58
vocational school district does not exist where the violation 59
occurred, then the entire sum of the civil penalty shall be 60
deposited into the school district's general fund. 61

(D) Pursuant to section 5525.21 of the Revised Code, the 62
director of transportation may authorize the purchase or provision 63
or both of a minimal amount of foreign steel products for use in 64
contracts for public bridge projects. 65

The director of administrative services may waive the 66
requirements of division (A) of this section if the director 67
determines that either division (A) or (B) of section 5525.21 of 68
the Revised Code is true in connection with a public bridge 69
project. The director shall issue this determination in writing. 70

(E) The following notice shall be included in boldface type 71
and capital letters in all bid notifications and specifications 72
between all parties to any contract authorized under Chapter 153. 73
of the Revised Code or subject to this section and section 153.99 74

of the Revised Code: "Domestic steel use requirements as specified
in section 153.011 of the Revised Code apply to this project.
Copies of section 153.011 of the Revised Code can be obtained from
any of the offices of the department of administrative services."

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(F) As used in this division section:

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~~(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 structural purposes,
from steel made in the United States by the open hearth, basic
oxygen, electric furnace, bessemer or other steel making process.

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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.

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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.~~

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Sec. 153.99. (A) Whoever violates section 153.58 of the
Revised Code shall be fined not more than one thousand dollars.

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(B) A person who purchases or provides steel products in
violation of division (A) of section 153.011 of the Revised Code
shall pay a civil penalty equal to one and one-half times the
purchase price of the steel products purchased or provided in
violation of that section.

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Section 2. That existing sections 153.011 and 153.99 of the
Revised Code are hereby repealed.

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Section 3. Sections 1 and 2 of this act shall apply only to

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any project for which bidding commences on or after the effective 103
date of this act. 104

Section 4. This act is hereby declared to be an emergency 105
measure necessary for the immediate preservation of the public 106
peace, health, and safety. The reason for such necessity is that 107
the steel companies within the state are facing dire fiscal 108
constraints, and the loss of jobs is escalating. Therefore this 109
act shall go into immediate effect. 110