

As Passed by the Senate

**124th General Assembly
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Sub. S. B. No. 11

**SENATORS Hagan, Nein, Ryan, Shoemaker, Furney, Herington, DiDonato,
McLin, Brady, Prentiss, Mallory, Fingerhut, Armbruster, Oelslager, Spada,
Austria, R. L. Gardner, Hottinger, Mumper, Amstutz, Carnes, Espy, Jacobson,
Harris**

A BILL

To amend section 153.011 of the Revised Code to modify 1
criteria regarding the use of foreign steel 2
products for public improvements, to authorize the 3
Director of Administrative Services to investigate 4
and the Attorney General to enforce the prohibition 5
against impermissible use of foreign steel, to 6
establish a civil penalty for violation of this 7
prohibition, and to declare an emergency. 8

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

Section 1. That section 153.011 of the Revised Code be 9
amended to read as follows: 10

Sec. 153.011. (A)~~(1) Whenever~~ Except as provided in division 11
(D) of this section, whenever any building or structure, including 12
highway improvements, in whole or in part supported by ~~the~~ state 13
and not yet bid capital funds, including moneys from the education 14
facilities trust fund, is to be erected or constructed, or 15
whenever additions, alterations, or structural or other 16
improvements are to be made, or heating, cooling, or ventilating 17

plants or other equipment is to be installed or material supplied 18
therefor, and if any steel products are to be used or supplied in 19
the construction, repair, or improvement project, only steel 20
products as defined in ~~this~~ division (E) of this section shall be 21
used or supplied in the project. 22

+2)(B) A contractor who uses steel products in violation of 23
division (A) of this section shall pay a civil penalty equal to 24
one and one-half times the cost of the steel products used in 25
violation of division (A) of this section. Upon collection of the 26
civil penalty pursuant to an action authorized by division (C) of 27
this section, the attorney general shall pay the money collected 28
to the treasurer of the board of education of the city, local, or 29
exempted village school district in which the construction, 30
repair, or improvement project for which the steel products used 31
in violation of division (A) of this section is located. The 32
treasurer shall deposit the civil penalty into the school 33
district's general fund. 34

(C) Whenever the director of administrative services has 35
reasonable cause to believe that a contractor has used steel 36
products in violation of division (A) of this section, the 37
director shall conduct an investigation to determine whether the 38
contractor has used or is using steel products in violation of 39
division (A) of this section. Upon conducting the investigation, 40
if the director finds that the contractor has used or is using 41
steel products in violation of division (A) of this section, the 42
director shall request the attorney general to commence an action 43
under this section against the contractor for violating division 44
(A) of this section. Any action under this section is a civil 45
action, governed by the Rules of Civil Procedure and other rules 46
of practice and procedure applicable to civil actions. The remedy 47
provided in this section is cumulative and concurrent with any 48
other remedy provided in this chapter, and the existence or 49

exercise of one remedy does not prevent the exercise of any other.

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(D) 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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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.

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(E) 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 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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Section 2. That existing section 153.011 of the Revised Code is hereby repealed.

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Section 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that

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the steel companies within the state are facing dire fiscal 79
constraints, and the loss of jobs is escalating. Therefore this 80
act shall go into immediate effect. 81