

**As Reported by the House Commerce and Labor Committee**

**124th General Assembly**

**Regular Session**

**2001-2002**

**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**

**REPRESENTATIVE Distel**

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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. 1  
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**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: 10  
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**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 capital funds, including moneys from the education facilities trust fund, is to be erected or constructed, or 12  
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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 in the construction, repair, or improvement project, 21  
only steel products as defined in this division (F) of this 22  
section shall be used purchased for or supplied in the project. 23

+2)(B)(1) No person shall purchase or provide steel products 24  
in violation of division (A) of this section. 25

(2) Notwithstanding division (B) of section 153.99 of the 26  
Revised Code, no person who purchases steel products in violation 27  
of division (A) of this section shall be held liable in a civil 28  
action commenced under division (C) of this section, or pay a fine 29  
under (B) of section 153.99 of the Revised Code, if that person 30  
can demonstrate the person's compliance with division (E) of this 31  
section. 32

(C) Whenever the director of administrative services has 33  
reasonable cause to believe that any person has purchased or 34  
provided steel products in violation of division (A) of this 35  
section, the director shall conduct an investigation to determine 36  
whether the person has purchased or provided or is purchasing or 37  
providing steel products in violation of division (A) of this 38  
section. Upon conducting the investigation, if the director finds 39  
that the person has purchased or provided or is purchasing or 40  
providing steel products in violation of division (A) of this 41  
section, the director shall request the attorney general to 42  
commence a civil action under this section against the person for 43  
violating division (A) of this section. The remedy provided in 44  
this section is concurrent with any other remedy provided in this 45  
chapter, and the existence or exercise of one remedy does not 46  
prevent the exercise of any other. Upon collection of the civil 47  
penalty under division (B) of section 153.99 of the Revised Code, 48

pursuant to an action authorized under this section, the attorney  
general shall pay the money collected to the treasurer of the  
board of education of the city, local, or exempted village school  
district and joint vocational school district, if one exists, in  
which the construction, repair, or improvement project for which  
the steel products used in violation of division (A) of this  
section is located. The treasurer shall deposit the civil penalty  
in equal amounts into the school district's general fund and the  
joint vocational school district's general fund. If a joint  
vocational school district does not exist where the violation  
occurred, then the entire sum of the civil penalty shall be  
deposited into the school district's general fund.

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(D) Pursuant to section 5525.21 of the Revised Code, the  
director of transportation may authorize the purchase or supply or  
both of a minimal amount of foreign steel products for use 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) The following notice shall be included in boldface type  
and capital letters in all bid notifications and specifications  
between all parties to any contract authorized under Chapter 153.  
of the Revised Code or subject to this section and section 153.99  
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,

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shaped, drawn, extruded, forged, cast, fabricated or otherwise 80  
similarly processed, or processed by a combination of two or more 81  
of such operations, and used for load-bearing structural purposes, 82  
from steel made in the United States by the open hearth, basic 83  
oxygen, electric furnace, bessemer or other steel making process. 84

~~(b)(2)~~ "United States" means the United States of America and 85  
includes all territory, continental or insular, subject to the 86  
jurisdiction of the United States. 87

~~(B) Pursuant to section 5525.21 of the Revised Code, the 88  
director of transportation may authorize the use of a minimal 89  
amount of foreign steel products in contracts for public bridge 90  
projects. 91~~

**Sec. 153.99.** (A) Whoever violates section 153.58 of the 92  
Revised Code shall be fined not more than one thousand dollars. 93

(B) A person who purchases or provides steel products in 94  
violation of division (A) of section 153.011 of the Revised Code 95  
shall pay a civil penalty equal to one and one-half times the 96  
purchase price of the steel products purchased or provided in 97  
violation of that section. 98

**Section 2.** That existing sections 153.011 and 153.99 of the 99  
Revised Code are hereby repealed. 100

**Section 3.** Sections 1 and 2 of this act shall apply only to 101  
any project for which bidding commences on or after the effective 102  
date of this act. 103

**Section 4.** This act is hereby declared to be an emergency 104  
measure necessary for the immediate preservation of the public 105  
peace, health, and safety. The reason for such necessity is that 106  
the steel companies within the state are facing dire fiscal 107

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constraints, and the loss of jobs is escalating. Therefore this  
act shall go into immediate effect.

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