

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

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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**

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, to
establish a civil penalty for violation of this
prohibition, and to declare an emergency.

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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:

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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
whenever additions, alterations, or structural or other
improvements are to be made, or heating, cooling, or ventilating

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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 project.

~~(2)~~(B) A contractor who uses steel products in violation of
division (A) of this section shall pay a civil penalty equal to
one and one-half times the cost of the steel products used in
violation of division (A) of this section. Upon collection of the
civil penalty pursuant to an action authorized by division (C) of
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 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 into the school
district's general fund.

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

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

(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.

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.

(E) As used in this ~~division~~ section:

(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.

(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.

~~(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.~~

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

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