

AN ACT

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 (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 plants or other equipment is to be installed or material supplied therefor,~~ and if any steel products are to be ~~used~~ purchased for or ~~supplied~~ provided in the construction, repair, or improvement project, only steel products as defined in ~~this division (F) of this section~~ shall be ~~used~~ purchased for or ~~supplied~~ provided in the project.

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

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

use to believe that any person has purchased or provided steel products in violation of division (A) of this section, the director shall conduct an investigation to determine whether the person has purchased or provided or is purchasing or providing steel products in violation of division (A) of this section. Upon conducting the investigation, if the director finds that the person has purchased or provided or is purchasing or providing steel products in violation of division (A) of this section, the director shall request the attorney general to commence a civil action under this section against the person for violating division (A) of this section. The remedy provided in this section is concurrent with any other remedy provided in this chapter, and the existence or exercise of one remedy does not prevent the exercise of any other. Upon collection of the civil penalty under division (B) of section 153.99 of the Revised Code, 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.

(D) Pursuant to section 5525.21 of the Revised Code, the director of transportation may authorize the purchase or provision or both of a minimal amount of foreign steel products for use 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) 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."

(F) 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 structural 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.~~

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

(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.

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

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

SECTION 4. 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 the steel companies within the state are facing dire fiscal constraints, and the loss of jobs is escalating. Therefore this act shall go into immediate effect.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. S. B. No. 11

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____