

H. B. No. 284
As Introduced

_____ moved to amend as follows:

Delete lines 7 through 113 1

After line 113, insert: 2

"Sec. 153.011. (A) Except as provided in division (D) of 3
this section, whenever any building ~~or~~, structure, or 4
infrastructure, including highway improvements, and utility 5
infrastructure improvement projects involving water works or 6
sewage disposal, in whole or in part supported by state ~~capital-~~ 7
~~fund, including moneys from the education facilities trust-~~ 8
~~fund,~~ is to be erected or constructed, or whenever additions, 9
alterations, or structural or other improvements are to be made, 10
if any iron or steel products are to be purchased for or 11
provided in the construction, maintenance, repair, or 12
improvement project, only iron or steel products produced in the 13
United States as defined in division ~~(F)~~(G) of this section 14
shall be purchased for or provided in the project. 15

(B) (1) No person shall purchase or provide iron or steel 16
products in violation of division (A) of this section. 17



(2) Notwithstanding division (B) of section 153.99 of the Revised Code, no person who purchases iron or 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.

(C) Whenever the executive director of the Ohio facilities construction commission has reasonable cause to believe that any person has purchased or provided iron or steel products in violation of division (A) of this section, the executive director shall conduct an investigation to determine whether the person has purchased or provided or is purchasing or providing iron or steel products in violation of division (A) of this section. Upon conducting the investigation, if the executive director finds that the person has purchased or provided or is purchasing or providing iron or steel products in violation of division (A) of this section, the executive 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 iron or steel products used in violation

of division (A) of this section is located. The treasurer shall 49
deposit the civil penalty in equal amounts into the school 50
district's general fund and the joint vocational school 51
district's general fund. If a joint vocational school district 52
does not exist where the violation occurred, then the entire sum 53
of the civil penalty shall be deposited into the school 54
district's general fund. 55

~~(D)~~(D) (1) Pursuant to section 5525.21 of the Revised Code, 56
the director of transportation may authorize the purchase or 57
provision or both of a minimal amount of foreign iron or steel 58
products for use in contracts for public bridge projects. 59

The executive director of the Ohio facilities construction 60
commission may waive the requirements of division (A) of this 61
section if the executive director determines that either 62
division (A) or (B) of section 5525.21 of the Revised Code is 63
true in connection with a public bridge project. The executive 64
director shall issue this determination in writing. 65

(2) (a) Notwithstanding rules adopted by the director of 66
administrative services under division (B) of section 125.09 of 67
the Revised Code, the state agency that supports a project 68
described in division (A) of this section with state funds may, 69
except with respect to public bridge projects described under 70
division (D) (1) of this section, waive the requirements of 71
division (A) of this section if any of the following apply: 72

(i) Applying the requirements of division (A) of this 73
section would be inconsistent with the public interest; 74

(ii) Iron or steel products are not produced in the United 75
States in sufficient and reasonably available quantities and of 76
a satisfactory quality; 77

(iii) Inclusion of iron or steel products produced in the United States will increase the cost of the overall project by more than twenty-five per cent. 78
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(b) (i) A waiver under division (D) (2) (a) of this section shall be issued in writing and shall include an explanation of the applicability of one or more of the factors listed under division (D) (2) (a) of this section. 81
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(ii) The Ohio facilities construction commission shall create and make available a standardized form that state agencies may use to issue waivers pursuant to division (D) (2) (b) (i) of this section. 85
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(3) Except as otherwise provided under division (D) (1) of this section, the purchase or provision of iron or steel products not produced in the United States is not prohibited by this section if either of the following is true: 89
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(a) The iron or steel products not produced in the United States are not separately identified in the project specifications, and the cost of iron or steel products not produced in the United States does not exceed one-tenth of one per cent of the project's total iron and steel material costs or two thousand five hundred dollars, whichever is greater. 93
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(b) The iron or steel product not produced in the United States is a component comprising five per cent or less of the total materials cost of an iron or steel product that is otherwise produced in the United States. 99
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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 103
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section and section 153.99 of the Revised Code: "Domestic iron 107
and steel use requirements as specified in section 153.011 of 108
the Revised Code apply to this project. Copies of section 109
153.011 of the Revised Code can be obtained from the office of 110
the Ohio facilities construction commission." 111

(F) Rules adopted by the director of administrative 112
services, under division (B) of section 125.09 of the Revised 113
Code, shall prescribe criteria and procedures for use by all 114
state agencies in giving a preference for iron or steel products 115
produced in the United States as required by this section. 116

(G) As used in this section: 117

(1) "~~Steel~~ Iron or steel products" means ~~products rolled,~~ 118
~~formed, shaped, drawn, extruded, forged, cast, fabricated or~~ 119
~~otherwise similarly processed, or processed by a combination of~~ 120
~~two or more of such operations, and used for load-bearing~~ 121
~~structural purposes, from steel made in the United States by the~~ 122
~~open hearth, basic oxygen, electric furnace, bessemer or other~~ 123
~~steel making process~~any product made primarily of iron or steel, 124
including, but not limited to, lined or unlined pipes and 125
fittings; bars and rods; wire, wire ropes, and link chains; 126
forgings; grating and drainage products; access covers, hatches, 127
manhole covers, and other castings; hydrants; electric 128
transmission and distribution poles; tanks; flanges; pipe clamps 129
and restraints; valves; structural steel and other steel mill 130
products; materials made primarily of iron or steel within 131
precast concrete; and other construction materials made 132
primarily of iron or steel. Except for applications involving 133
waterworks products, plumbing products, or electric transmission 134
and distribution poles or posts, "iron or steel products" does 135
not mean electrical powered components, equipment, or systems. 136

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

(3) "Made primarily of iron or steel" means composed primarily of greater than fifty per cent iron or steel measured by component cost, volume, or weight.

(4) "Produced in the United States" means that, with respect to iron and steel, all manufacturing processes, from the initial melting stage, occur in the United States, other than metallurgical processes to refine steel additives.

(5) "State agency" has the same meaning as in section 153.03 of the Revised Code."

The motion was _____ agreed to.

SYNOPSIS 149

U.S. iron and steel waiver 150

R.C. 153.011 151

Permits any state agency that supports a project with state funds to waive the U.S. iron and steel use requirement. 152
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Requires the Ohio Facilities Construction Commission to create a standardized waiver form. 154
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Modifies the definition of "iron or steel products" regarding electrical powered components. 156
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