

H. B. No. 284  
As Introduced

\_\_\_\_\_ moved to amend as follows:

Delete lines 7 through 113

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After line 113, insert:

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**"Sec. 153.011.** (A) Except as provided in division (D) of this section, whenever any building ~~or~~, structure, or infrastructure, including highway improvements, and utility infrastructure improvement projects involving water works or sewage disposal, in whole or in part supported by state ~~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, if any iron or steel products are to be purchased ~~for~~ or provided for permanent incorporation in the construction, maintenance, repair, or improvement project, only iron or steel products produced in the United States as defined in division ~~(F)~~ (G) of this section shall be purchased ~~for~~ or provided for permanent incorporation in the project.

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

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(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 50  
deposit the civil penalty in equal amounts into the school 51  
district's general fund and the joint vocational school 52  
district's general fund. If a joint vocational school district 53  
does not exist where the violation occurred, then the entire sum 54  
of the civil penalty shall be deposited into the school 55  
district's general fund. 56

~~(D)~~(D) (1) Pursuant to section 5525.21 of the Revised Code, 57  
the director of transportation may authorize the purchase or 58  
provision or both of a minimal amount of foreign iron or steel 59  
products for use in contracts for public bridge projects. 60

The executive director of the Ohio facilities construction 61  
commission may waive the requirements of division (A) of this 62  
section if the executive director determines that either 63  
division (A) or (B) of section 5525.21 of the Revised Code is 64  
true in connection with a public bridge project. The executive 65  
director shall issue this determination in writing. 66

(2) (a) Notwithstanding rules adopted by the director of 67  
administrative services under division (B) of section 125.09 of 68  
the Revised Code, the state agency that supports a project 69  
described in division (A) of this section with state funds may, 70  
except with respect to public bridge projects described under 71  
division (D) (1) of this section, waive the requirements of 72  
division (A) of this section if any of the following apply: 73

(i) Applying the requirements of division (A) of this 74  
section would be inconsistent with the public interest; 75

(ii) Iron or steel products are not produced in the United 76  
States in sufficient and reasonably available quantities and of 77  
a satisfactory quality; 78

(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. 79  
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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. 82  
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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. 86  
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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: 90  
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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. 94  
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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. 100  
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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 104  
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section and section 153.99 of the Revised Code: "Domestic iron 108  
and steel use requirements as specified in section 153.011 of 109  
the Revised Code apply to this project. Copies of section 110  
153.011 of the Revised Code can be obtained from the office of 111  
the Ohio facilities construction commission." 112

(F) Rules adopted by the director of administrative 113  
services, under division (B) of section 125.09 of the Revised 114  
Code, shall prescribe criteria and procedures for use by all 115  
state agencies in giving a preference for iron or steel products 116  
produced in the United States as required by this section. 117

(G) As used in this section: 118

(1) "~~Steel~~ Iron or steel products" means ~~products rolled,~~ 119  
~~formed, shaped, drawn, extruded, forged, cast, fabricated or~~ 120  
~~otherwise similarly processed, or processed by a combination of~~ 121  
~~two or more of such operations, and used for load-bearing~~ 122  
~~structural purposes, from steel made in the United States by the~~ 123  
~~open hearth, basic oxygen, electric furnace, bessemer or other~~ 124  
~~steel making process~~any product made primarily of iron or steel, 125  
including, but not limited to, lined or unlined pipes and 126  
fittings; bars and rods; wire, wire ropes, and link chains; 127  
forgings; grating and drainage products; access covers, hatches, 128  
manhole covers, and other castings; hydrants; electric 129  
transmission and distribution poles; tanks; flanges; pipe clamps 130  
and restraints; valves; structural steel and other steel mill 131  
products; materials made primarily of iron or steel within 132  
precast concrete; and other construction materials made 133  
primarily of iron or steel. Except for applications involving 134  
waterworks products, sewer products, plumbing products, or 135  
electric transmission and distribution poles or posts, "iron or 136  
steel products" does not mean electrical components, equipment, 137

<u>systems, or appurtenances, including supports, shielding, and</u>	138
<u>other appurtenances related to an electrical system, necessary</u>	139
<u>for operation or concealment.</u>	140
(2) "United States" means the United States of America and	141
includes all territory, continental or insular, subject to the	142
jurisdiction of the United States.	143
(3) " <u>Made primarily of iron or steel</u> " means composed	144
<u>primarily of greater than fifty per cent iron or steel measured</u>	145
<u>by component cost, volume, or weight.</u>	146
(4) " <u>Produced in the United States</u> " means that, with	147
<u>respect to iron and steel, all manufacturing processes, from the</u>	148
<u>initial melting stage, occur in the United States, other than</u>	149
<u>metallurgical processes to refine steel additives.</u>	150
(5) " <u>State agency</u> " has the same meaning as in section	151
<u>153.03 of the Revised Code."</u>	152

The motion was \_\_\_\_\_ agreed to.

**SYNOPSIS** 153

**U.S. iron and steel waiver** 154

**R.C. 153.011** 155

Permits any state agency that supports a project with 156  
state funds to waive the U.S. iron and steel use requirement. 157

Requires the Ohio Facilities Construction Commission to 158  
create a standardized waiver form. 159

Modifies requirement that only U.S. iron and steel be used 160

in public construction projects to specify that the requirement	161
applies only to iron and steel products that are to be	162
permanently incorporated in a project.	163
Modifies the definition of "iron or steel products"	164
regarding sewer products and electrical components.	165