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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2806 Session of  
1992

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INTRODUCED BY TOMLINSON, TRELLO, CLYMER, CARONE, KASUNIC,  
LEVANSKY, McHALE AND M. N. WRIGHT, JUNE 3, 1992

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 3, 1992

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AN ACT

1 Prohibiting the purchase of tropical hardwoods or tropical  
2 hardwood products by the Commonwealth; and providing for  
3 certain exceptions to the prohibition.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Tropical  
8 Hardwood Protection Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Contracting body." An officer, employee, authority, board,  
14 bureau, commission, agency or institution of the Commonwealth or  
15 any State-aided institution.

16 "Nontropical hardwood species." Any and all hardwood that  
17 grows in any geographically temperate regions, as defined by the  
18 United States Forest Service, and is similar to tropical

1 hardwood in density, texture, grain, stability or durability.  
2 Nontropical hardwoods, the use or purchase of which shall be  
3 preferred under this act, shall include, but not be limited to,  
4 the following species:

5	SCIENTIFIC NAME	COMMON NAME
6	Fraxinus americana	Ash
7	Tilia americana	Basswood
8	Fagus grandifolia	Beech
9	Betula papyrifera	Birch
10	Juglans cinerea	Butternut
11	Prunus serotina	Cherry
12	Populus species	Cottonwood
13	Ulmus species	Elms
14	Nyssa sylvatica	Black gum
15	Liquidambar styraciflua	Red gum
16	Celtis laevigata	Hackberry
17	Hicoria species	Hickory
18	Acer species	Maples
19	Quercus species	Oaks
20	Hicoria species	Pecan
21	Liriodendron tulipi fera	Yellow Poplar
22	Platanus occidentalis	Sycamore
23	Juglans nigra	Black Walnut

24 "Tropical hardwood." Any and all hardwood, scientifically  
25 classified as angiosperme, that grows in a tropical rain forest.  
26 Tropical hardwoods shall be the following species:

27	SCIENTIFIC NAME	COMMON NAME
28	Vouacapous americana	Acapu
29	Pericopsis elata	Afrormosis
30	Shorea almon	Almon

1	<i>Peltogyne</i> species	Amaranth
2	<i>Guibourtia</i> ehie	Amazaque
3	<i>Aningeris</i> species	Aningeria
4	<i>Dipterocarpus</i> grandiflorus	Apilong
5	<i>Ochroma</i> lagopus	Balsa
6	<i>Virola</i> species	Banak
7	<i>Anisoptera</i> thurifera	Bella Rose
8	<i>Guibourtia</i> arnoldiana	Benge
9	<i>Deterium</i> Senegalese	Boire
10	<i>Guibourtia</i> demeusil	Bubinga
11	<i>Prioria</i> copaifera	Cativo
12	<i>Antiaris</i> africana	Chenchen
13	<i>Dalbergia</i> retusa	Concobola
14	<i>Cordia</i> species	Cordia
15	<i>Diospyros</i> species	Ebony
16	<i>Aucoumes</i> klaineana	Gaboon
17	<i>Chlorophora</i> excelsa	Iroko
18	<i>Acacia</i> koa	Koa
19	<i>Pterygota</i> macrocarpa	Koto
20	<i>Shorea</i> negrosensis	Red Lauan
21	<i>Pentacme</i> contorta	White Lauan
22	<i>Shorea</i> ployssprma	Tanguile
23	<i>Terminalia</i> superba	Limba
24	<i>Aniba</i> duckei	Louro
25	<i>Kyaya</i> ivorensis	Africa Mahogany
26	<i>Swietenia</i> macrophylla	American Mahogany
27	<i>Tieghemella</i> leckellii	Makora
28	<i>Distemonanthus</i> benthamianus	Movingui
29	<i>Pterocarpus</i> soyauxii	African Padauk
30	<i>Pterocarpus</i> angolensis	Angola Padauk

1	Aspidosperma species	Peroba
2	Peltogyne species	Purpleheart
3	Gonystylus species	Ramin
4	Dalbergia species	Rosewood
5	Entandrophragma cylindricum	Sapela
6	Shorea philippinensis	Sonora
7	Tectona grandis	Teak
8	Lovoa trichilloides	Tigerwood
9	Millettia laurentii	Wenge
10	Microberlinia brazzavillensis	Zebrawood

11 "Tropical rain forest." A forest classified by the  
12 scientific term "tropical moist forests," the classification  
13 determined by the equatorial region of the forest and average  
14 rainfall.

15 "Tropical wood products." Wood products, wholesale or  
16 retail, in any form, including, but not limited to, veneer,  
17 furniture, cabinets, paneling, moldings, doorskins, joinery or  
18 sawn wood, which are composed of tropical hardwood.

19 Section 3. Purchase of tropical hardwoods prohibited.

20 (a) General rule.--Except as otherwise provided in this act,  
21 a contracting body shall not purchase or obtain for any purpose  
22 any tropical hardwoods or tropical hardwood products, wholesale  
23 or retail, in any form.

24 (b) Exceptions.--The provisions of subsection (a) shall not  
25 apply to the following:

26 (1) Any binding contractual obligations for the purchase  
27 of commodities entered into prior to the effective date of  
28 this act.

29 (2) The purchase of any tropical hardwood or tropical  
30 hardwood product for which there is no acceptable nontropical

1 hardwood species.

2 (3) A case where the contracting body finds that no  
3 person or entity doing business in this Commonwealth is  
4 capable of providing acceptable nontropical hardwood species  
5 sufficient to meet the particular contract requirements.

6 (4) A case where the inclusion or application of the  
7 provisions of this act will violate or be inconsistent with  
8 the terms or conditions of a grant, subvention or contract  
9 with an agency of the United States or the instructions of an  
10 authorized representative of any agency of the United States  
11 with respect to a grant, subvention or contract.

12 (5) A case where inclusion or application of the  
13 provisions of this act results in a substantial cost increase  
14 to the contracting body on contracts entered into prior to  
15 the effective date of this act.

16 Section 4. Contents of bid proposals.

17 (a) Requiring or permitting use of tropical hardwoods  
18 prohibited.--A bid proposal or solicitation, request for bid or  
19 proposal or contract for construction, building maintenance or  
20 improvement issued by a contracting body shall not require or  
21 permit the use of any tropical hardwood or hardwood product.

22 (b) Responses to bid proposals.--Every bid proposal,  
23 solicitation, request for bid or proposal or contract for  
24 construction, building maintenance or improvement issued by a  
25 contracting body shall contain a statement that any bid,  
26 proposal or other response to a solicitation for bid or proposal  
27 which proposes or calls for the use of any tropical hardwood or  
28 hardwood product in the performance of the contract shall be  
29 deemed nonresponsive.

30 (c) Exceptions.--Subsections (a) and (b) shall not apply to

1 the following:

2 (1) Bid packages advertised and made available to the  
3 public or any competitive and sealed bids received or entered  
4 into prior to the effective date of this act.

5 (2) An amendment, modification or renewal of a contract,  
6 which was entered into prior to the effective date of this  
7 act, where application would delay timely completion of a  
8 project or involve an increase in the total moneys to be paid  
9 under the contract.

10 (3) A case where the contracting body finds any of the  
11 following:

12 (i) No person or entity doing business in this  
13 Commonwealth is capable of performing the contract using  
14 acceptable nontropical hardwood species.

15 (ii) Inclusion or application of the provisions of  
16 subsections (a) and (b) will violate or be inconsistent  
17 with the terms or conditions of a grant, subvention or  
18 contract with an agency of the United States or the  
19 instruction of an authorized representative of an agency  
20 of the United States with respect to a grant, subvention  
21 or contract.

22 (iii) Use of tropical woods is deemed necessary for  
23 purposes of historical restoration and there exists no  
24 available acceptable nontropical hardwood species.

25 Section 5. Certification by contractor.

26 A contractor or vendor who enters into a contract with a  
27 contracting body for construction involving the use of hardwoods  
28 or for the sale of hardwoods shall certify that the contract or  
29 sale complies with the provisions of this act.

30 Section 6. Effective date.

1        This act shall take effect in 60 days.