

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1068 Session of 1977

INTRODUCED BY O'PAKE, MANBECK, ROMANELLI, REIBMAN, COPPERSMITH, GURZENDA, KELLEY, ZEMPRELLI, ROSS, EARLY, SCHAEFER, MCKINNEY, DUFFIELD, SCANLON, SMITH, CIANFRANI, HILL, NOSZKA, MELLOW, NOLAN, ORLANDO, WOOD, BELL, HOWARD, MOORE AND JUBELIRER, AUGUST 5, 1977

SENATOR SMITH, STATE GOVERNMENT, AMENDED, OCTOBER 4, 1977

AN ACT

1 ~~Amending the act of April 9, 1929 (P.L.177, No.175), entitled~~ <—  
2 ~~"An act providing for and reorganizing the conduct of the~~  
3 ~~executive and administrative work of the Commonwealth by the~~  
4 ~~Executive Department thereof and the administrative~~  
5 ~~departments, boards, commissions, and officers thereof,~~  
6 ~~including the boards of trustees of State Normal Schools, or~~  
7 ~~Teachers Colleges; abolishing, creating, reorganizing or~~  
8 ~~authorizing the reorganization of certain administrative~~  
9 ~~departments, boards, and commissions; defining the powers and~~  
10 ~~duties of the Governor and other executive and administrative~~  
11 ~~officers, and of the several administrative departments,~~  
12 ~~boards, commissions, and officers; fixing the salaries of the~~  
13 ~~Governor, Lieutenant Governor, and certain other executive~~  
14 ~~and administrative officers; providing for the appointment of~~  
15 ~~certain administrative officers, and of all deputies and~~  
16 ~~other assistants and employes in certain departments, boards,~~  
17 ~~and commissions; and prescribing the manner in which the~~  
18 ~~number and compensation of the deputies and all other~~  
19 ~~assistants and employes of certain departments, boards and~~  
20 ~~commissions shall be determined," providing for the use of~~  
21 ~~domestically produced steel in all construction undertaken by~~  
22 ~~the Department of General Services.~~

23 TO PROMOTE THE GENERAL WELFARE AND STIMULATE THE ECONOMY OF THE <—  
24 COMMONWEALTH BY REQUIRING THAT ALL PUBLIC BODIES, INCLUDING  
25 THE COMMONWEALTH, ITS POLITICAL SUBDIVISIONS, AND ALL  
26 AUTHORITIES, INCLUDE IN ALL CONTRACTS FOR CONSTRUCTION,  
27 RECONSTRUCTION, ALTERATION, REPAIR, IMPROVEMENT OR  
28 MAINTENANCE OF IMPROVEMENTS OF A PERMANENT OR TEMPORARY  
29 NATURE, A PROVISION THAT IF ANY STEEL PRODUCTS ARE TO BE USED  
30 IN THE PERFORMANCE OF THE CONTRACT ONLY STEEL PRODUCTS  
31 PRODUCED IN THE UNITED STATES SHALL BE USED, AND IMPOSING

1 LIABILITY FOR VIOLATION OF THIS ACT.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 ~~Section 1. Section 2401.1, act of April 9, 1929 (P.L.177,~~ <—  
5 ~~No.175), known as "The Administrative Code of 1929," added July~~  
6 ~~22, 1975 (P.L.75, No.45), is amended to read:~~

7 ~~Section 2401.1. Specific Powers of the Department of General~~  
8 ~~Services. In addition to all other powers and duties set forth~~  
9 ~~in this act, the Department of General Services shall have the~~  
10 ~~power, and its duty shall be:~~

11 \* \* \*

12 ~~(21) To provide that all construction under its authority~~  
13 ~~shall utilize only steel which has been domestically produced.~~

14 ~~Section 2. This act shall take effect immediately.~~

15 SECTION 1. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE <—  
16 "STEEL PRODUCTS PROCUREMENT ACT."

17 SECTION 2. THIS ACT SHALL BE DEEMED TO BE AN EXERCISE OF THE  
18 POLICE POWERS OF THE COMMONWEALTH FOR THE PROTECTION OF THE  
19 HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE OF THE  
20 COMMONWEALTH.

21 SECTION 3. IT IS HEREBY DETERMINED BY THE GENERAL ASSEMBLY  
22 OF PENNSYLVANIA AND DECLARED AS A MATTER OF LEGISLATIVE FINDINGS  
23 THAT:

24 (1) THE COMMONWEALTH OF PENNSYLVANIA IS ONE OF THE  
25 LEADING STATES IN THE UNITED STATES IN THE PRODUCTION OF  
26 STEEL.

27 (2) THE PRODUCTION OF STEEL PRODUCTS CONSTITUTES A MAJOR  
28 INDUSTRY OF THE COMMONWEALTH AND, AS SUCH, PROVIDES THE JOBS  
29 AND FAMILY INCOMES OF HUNDREDS OF THOUSANDS OF THE PEOPLE OF  
30 THIS COMMONWEALTH AND, IN TURN, MILLIONS OF PERSONS IN THE

1 UNITED STATES.

2 (3) THE TAXES PAID TO THE COMMONWEALTH AND ITS POLITICAL  
3 SUBDIVISIONS BY EMPLOYERS AND EMPLOYEES ENGAGED IN THE  
4 PRODUCTION AND SALE OF STEEL PRODUCTS ARE ONE OF THE LARGEST  
5 SINGLE SOURCES OF PUBLIC REVENUES IN THIS COMMONWEALTH.

6 (4) IT HAS, FOR MANY YEARS, BEEN THE POLICY OF THE  
7 COMMONWEALTH TO AID AND SUPPORT THE DEVELOPMENT AND EXPANSION  
8 OF INDUSTRY IN THIS COMMONWEALTH IN ORDER TO FOSTER THE  
9 ECONOMIC WELL-BEING OF THE COMMONWEALTH AND ITS PEOPLE.

10 (5) THE ECONOMY AND GENERAL WELFARE OF THE COMMONWEALTH  
11 AND ITS PEOPLE, AS WELL AS THE ECONOMY, GENERAL WELFARE AND  
12 NATIONAL SECURITY OF THE UNITED STATES, ARE INSEPARABLY  
13 RELATED TO THE PRESERVATION AND DEVELOPMENT OF THE STEEL  
14 INDUSTRY IN THE COMMONWEALTH AND IN THE OTHER STATES OF THE  
15 UNITED STATES.

16 THE PENNSYLVANIA GENERAL ASSEMBLY THEREFORE DECLARES IT TO BE  
17 THE POLICY OF THE COMMONWEALTH OF PENNSYLVANIA THAT ALL PUBLIC  
18 OFFICERS AND AGENCIES SHOULD, AT ALL TIMES, AID AND PROMOTE THE  
19 DEVELOPMENT OF THE STEEL INDUSTRY OF THE UNITED STATES IN ORDER  
20 TO STIMULATE AND IMPROVE THE ECONOMIC WELL-BEING OF THE  
21 COMMONWEALTH AND ITS PEOPLE.

22 SECTION 4. EVERY PUBLIC AGENCY SHALL REQUIRE THAT EVERY  
23 CONTRACT DOCUMENT FOR THE CONSTRUCTION, RECONSTRUCTION,  
24 ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS  
25 CONTAIN A PROVISION THAT, IF ANY STEEL PRODUCTS ARE TO BE USED  
26 OR SUPPLIED IN THE PERFORMANCE OF THE CONTRACT, ONLY STEEL  
27 PRODUCTS AS HEREIN DEFINED SHALL BE USED OR SUPPLIED IN THE  
28 PERFORMANCE OF THE CONTRACT OR ANY SUBCONTRACTS THEREUNDER.

29 SECTION 5. NO PUBLIC AGENCY SHALL AUTHORIZE, PROVIDE FOR OR  
30 MAKE ANY PAYMENTS TO ANY PERSON UNDER ANY CONTRACT CONTAINING

1 THE PROVISION REQUIRED BY SECTION 4 UNLESS THE PUBLIC AGENCY IS  
2 SATISFIED THAT SUCH PERSON HAS FULLY COMPLIED WITH SUCH  
3 PROVISION. ANY SUCH PAYMENTS MADE TO ANY PERSON BY ANY PUBLIC  
4 AGENCY WHICH SHOULD NOT HAVE BEEN MADE AS A RESULT OF THIS  
5 SECTION SHALL BE RECOVERABLE BY EITHER SUCH PUBLIC AGENCY OR THE  
6 ATTORNEY GENERAL OF PENNSYLVANIA UPON SUIT FILED IN THE COURT OF  
7 COMMON PLEAS OF ANY COUNTY IN WHICH SUCH CONTRACT WAS EXECUTED  
8 OR IN WHOLE OR IN PART PERFORMED.

9 SECTION 6. THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS  
10 ACT SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE,  
11 THE MEANINGS GIVEN TO THEM IN THIS SECTION:

12 "PERSON." NATURAL PERSONS AS WELL AS CORPORATIONS,  
13 PARTNERSHIPS, BUSINESS UNITS AND ASSOCIATIONS.

14 "PUBLIC AGENCY."

15 (1) THE COMMONWEALTH AND ITS DEPARTMENTS, BOARDS,  
16 COMMISSIONS AND AGENCIES;

17 (2) COUNTIES, CITIES, BOROUGHS, TOWNSHIPS, SCHOOL  
18 DISTRICTS, AND ANY OTHER GOVERNMENTAL UNIT OR DISTRICT;

19 (3) THE STATE PUBLIC SCHOOL BUILDING AUTHORITY, THE  
20 STATE HIGHWAY AND BRIDGE AUTHORITY, AND ANY OTHER AUTHORITY  
21 NOW IN EXISTENCE OR HEREAFTER CREATED OR ORGANIZED BY THE  
22 COMMONWEALTH;

23 (4) ALL MUNICIPAL OR SCHOOL OR OTHER AUTHORITIES NOW IN  
24 EXISTENCE OR HEREAFTER CREATED OR ORGANIZED BY ANY COUNTY,  
25 CITY, BOROUGH, TOWNSHIP OR SCHOOL DISTRICT OR COMBINATION  
26 THEREOF; AND

27 (5) ANY AND ALL OTHER PUBLIC BODIES, AUTHORITIES,  
28 OFFICERS, AGENCIES OR INSTRUMENTALITIES, WHETHER EXERCISING A  
29 GOVERNMENTAL OR PROPRIETARY FUNCTION.

30 "PUBLIC WORKS." ANY STRUCTURE, BUILDING, HIGHWAY,

1 WATERWAY, STREET, BRIDGE, TRANSIT SYSTEM, AIRPORT OR OTHER  
2 BETTERMENT, WORK OR IMPROVEMENT WHETHER OF A PERMANENT OR  
3 TEMPORARY NATURE AND WHETHER FOR GOVERNMENTAL OR PROPRIETARY  
4 USE.

5 "STEEL PRODUCTS." PRODUCTS ROLLED, FORMED, SHAPED, DRAWN,  
6 EXTRUDED, FORGED, CAST, FABRICATED OR OTHERWISE SIMILARLY  
7 PROCESSED, OR PROCESSED BY A COMBINATION OF TWO OR MORE OF SUCH  
8 OPERATIONS, FROM STEEL MADE IN THE UNITED STATES BY THE OPEN  
9 HEARTH, BASIC OXYGEN, ELECTRIC FURNACE, BESSEMER OR OTHER STEEL  
10 MAKING PROCESS.

11 "UNITED STATES." THE UNITED STATES OF AMERICA AND INCLUDES  
12 ALL TERRITORY, CONTINENTAL OR INSULAR, SUBJECT TO THE  
13 JURISDICTION OF THE UNITED STATES.

14 SECTION 7. THIS ACT IS INTENDED AS REMEDIAL LEGISLATION  
15 DESIGNED TO PROMOTE THE GENERAL WELFARE AND STIMULATE THE  
16 ECONOMY OF THE COMMONWEALTH AND ITS PEOPLE AND EACH AND EVERY  
17 PROVISION HEREOF IS INTENDED TO RECEIVE A LIBERAL CONSTRUCTION  
18 SUCH AS WILL BEST EFFECTUATE THAT PURPOSE AND NO PROVISION IS  
19 INTENDED TO RECEIVE A STRICT OR LIMITED CONSTRUCTION.

20 SECTION 8. ALL ACTS OR PARTS OF ACTS ARE REPEALED INSOFAR AS  
21 THEY ARE INCONSISTENT HEREWITH.

22 SECTION 9. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.