

By Mr. Lawton of Brockton, petition of Mark E. Lawton that contracts for public building construction contain a requirement relative to the purchase of domestic steel and steel products. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT REQUIRING THE PURCHASE OF DOMESTIC STEEL AND STEEL PRODUCTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 149 of the General Laws is hereby amended by inserting
2 after section 44M the following sections:—

3 *Section 44N.* Every public agency shall require that every con-
4 tract document for the construction, reconstruction, alteration,
5 repair, improvement of maintenance of a building or public works
6 contain a provision that, if any steel or iron products are to be used
7 or supplied in the performance of the contract, only steel or iron
8 products as herein defined shall be used or supplied in the per-
9 formance of the contract of any subcontracts thereunder.

10 (b) This section shall not apply in any case where the head of the
11 public agency, in writing, determines that steel or iron products as
12 herein defined are not produced or readily available in the United
13 States or that the costs of such steel or iron products exceed by
14 more than fifteen per cent the costs of any other interchangeable
15 steel or iron products obtainable nationally or internationally.

16 *Section 44O.* No public agency shall authorize, provide for or
17 make any payments to any person under any contract containing
18 the provision required by section forty-four N unless the public
19 agency is satisfied that such person has fully complied with such
20 provision. Any such payments made to any person by any public
21 agency which should not have been made as a result of this section

22 shall be recoverable directly from the contractor or subcontractor
23 who did not comply with section forty-four N by either such public
24 agency or the attorney general upon suit filed in the court of any
25 county.

26 *Section 44P.* The following words and phrases when used in
27 section forty-four N through section forty-four P, inclusive, shall
28 have, unless the context clearly indicates otherwise, the meanings
29 given to them in this section:

30 "Costs". The delivered price at the construction site to the con-
31 tractor or to the subcontractor.

32 "Person". Natural persons as well as corporations, partnerships,
33 business units and associations.

34 "Public agency". (1) the commonwealth and its departments,
35 boards, commissions and agencies;

36 (2) cities, towns, school districts, and any other public bodies,
37 authorities, officers, agencies or instrumentalities, whether exercis-
38 ing a governmental or proprietary function.

39 "Public works". Any structure, building, highway, waterway,
40 street, bridge, transit system, airport or other betterment, work or
41 improvement whether of a permanent or temporary nature and
42 whether for governmental or proprietary use.

43 "*Steel or Iron Products*". Products rolled, formed, shaped,
44 drawn, extruded, forged, cast, fabricated or otherwise similarly
45 processed, or processed by a combination of two or more of such
46 operations, from steel or iron made in the United States by the
47 open hearth, basic oxygen, electric furnace, Bessemer or other steel
48 or iron making process.

49 "United States". The United States of America and includes all
50 territory, continental or insular, subject to the jurisdiction of the
51 United States.