

1 Committee of Conference Report on HB 1503-FN, exempting the developer, seller, or facilitator of
2 the exchange of an open blockchain token from certain securities laws and adopting the Uniform
3 Commercial Code relative to controllable electronic records.

4
5 Recommendation:

6 That the House recede from its position of nonconcurrence with the Senate amendment, and
7 concur with the Senate amendment, and

8 That the Senate and House adopt the following new amendment to the bill as amended by the
9 Senate, and pass the bill as so amended:

10
11 Amend the bill by replacing all after section 85 with the following:

12
13 86 New Subparagraphs; Department of Administrative Services; Division of Procurement and
14 Support Services; Structural Steel Defined. Amend RSA 21-I:11, II by inserting after subparagraph
15 (f) the following new subparagraphs:

16 (g) "Structural steel" shall mean a product consisting of the elements of the structural
17 frame that are shown and sized in the structural design documents, essential to support the design
18 loads as defined in the 2016 American Institute of Steel Construction (AISC) code of standard
19 practice for steel buildings and bridges 303-16.

20 (h) "Domestic fabricated structural steel" shall mean an iron or steel product where all
21 manufacturing must take place in the United States, from the initial melting stage, through
22 fabrication, and application of coatings, except metallurgical processes involving the refinement of
23 steel additives.

24 (i) "Permanently incorporated product" shall mean a product that is required to remain
25 in place at the end of the project contract, in a fixed location, affixed to the public work to which it
26 was incorporated and shall not mean a product that is capable of being moved from one location to
27 another.

28 (j) "Fabrication" shall mean all manufacturing of iron or steel products, from the initial
29 melting stage, through fabrication and application of coatings, except metallurgical processes
30 involving the refinement of steel additives.

31 87 New Paragraph; Department of Administrative Services; Division of Procurement and
32 Support Services; Established Preference of American Made Materials in State Contracts. Amend
33 RSA 21-I:11 by inserting after paragraph II the following new paragraph:

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34 III.(a) Notwithstanding any law to the contrary relating to procurement and to the extent
35 permitted by federal law, any contract for construction, reconstruction, alteration, repair,
36 improvement, or maintenance of a public building or public works with the state as a party shall
37 contain a provision that for the permanently incorporated iron, structural steel, and fabricated
38 structural steel used or supplied in the performance of the contract or any subcontract, strong
39 consideration and preference shall be given for iron or steel fabricated in the United States. If the
40 competitive bidding process results in all qualifying factors being equal, the contract shall be
41 awarded to the contractor offering steel fabricated in the United States. In instances where
42 qualifying factors are equal, absent of low price, and using domesticated structural steel, the state
43 may reserve the option to purchase steel fabricated in the United States.

44 (b) If a court or federal or state agency has determined that any person intentionally
45 affixed a "Made in America" label to structural steel under this paragraph that was not made in the
46 United States or otherwise falsely represented that structural steel under this paragraph was
47 produced in the United States, the department of administrative services shall withhold contract
48 payment until the structural steel can be replaced, or the noncompliance of this paragraph is
49 otherwise remedied. Failure to comply with and/or produce a satisfactory remedy to the state may
50 result in debarment proceedings under RSA 21-I:11-c, III.

51 (c) If any provision of this paragraph or application thereof is held to be invalid or in
52 conflict with any applicable laws, this invalidity or conflict shall not affect the other provisions or
53 applications which shall be given affect without the invalid provisions or applications, and to this
54 end, the provisions and applications of this paragraph are severable.

55 88 Effective Date. This act shall take effect January 1, 2023.

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The signatures below attest to the authenticity of this Report on HB 1503-FN, exempting the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws and adopting the Uniform Commercial Code relative to controllable electronic records.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. French, Dist. 7

Rep. Hunt, Ches. 11

Sen. Carson, Dist. 14

Rep. Potucek, Rock. 6

Sen. Cavanaugh, Dist. 16

Rep. Osborne, Rock. 4

Rep. McAleer, Carr. 7

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AMENDED ANALYSIS

This bill exempts the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws. This bill also adopts the Uniform Commercial Code on controllable electronic records. This bill also establishes the requirement and fraud processes, for the use of American made steel products in state public works projects.