

HB0191/536183/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 191

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Wilson” and substitute “Wilson, Hammen, Pendergrass, Costa, Cullison, Donoghue, Elliott, Frank, Hubbard, Kach, A. Kelly, Kipke, Krebs, Morhaim, Murphy, Nathan-Pulliam, Ready, Reznik, Tarrant, and V. Turner”; in line 2, strike “Maryland Buy American Steel and” and substitute “Purchase of American”; in the same line, strike “Act”; strike beginning with “Maryland” in line 3 down through “Act” in line 10 and substitute “State procurement law to grant a preference for American manufactured goods in State contracting; requiring a public body to require that certain contractors and subcontractors use or supply American manufactured goods under certain procurements; providing for the application and construction of this Act; requiring a public body to give a certain notice; requiring the Board of Public Works to adopt certain regulations regarding the granting of a preference for the use of American manufactured goods; defining certain terms; and generally relating to the purchase of American manufactured goods”; strike in their entirety lines 11 through 16, inclusive; in line 17, strike “repealing and reenacting, without amendments,” and substitute “adding to”; and in line 19, strike “17-302 and 17-305” and substitute “14-416”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 1 on page 2 through line 6 on page 4, inclusive, and substitute:

“14-416.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(Over)

(2) “AMERICAN MANUFACTURED GOODS” MEANS GOODS THAT:

(I) ARE MANUFACTURED IN THE UNITED STATES; OR

(II) ARE ASSEMBLED IN THE UNITED STATES.

(3) (I) “EMERGENCY LIFE SAFETY AND PROPERTY SAFETY GOODS” MEANS ANY GOODS WHEN PROVIDED FOR INSTALLATION IN, AS PART OF, OR AS AN ADDITION TO A SYSTEM DESIGNED TO:

1. PREVENT, RESPOND TO, ALERT REGARDING, SUPPRESS, CONTROL, OR EXTINGUISH AN EMERGENCY OR THE CAUSE OF AN EMERGENCY THAT THREATENS LIFE OR PROPERTY; OR

2. ASSIST IN EVACUATION IN THE EVENT OF AN EMERGENCY THAT THREATENS LIFE OR PROPERTY.

(II) “EMERGENCY LIFE SAFETY AND PROPERTY SAFETY GOODS” INCLUDES SYSTEMS OR ITEMS FOR OR RELATING TO:

1. FIRE ALARMS;

2. FIRE SPRINKLERS;

3. FIRE SUPPRESSION;

4. FIRE EXTINGUISHING;

- 5. SECURITY;**
 - 6. GAS DETECTION;**
 - 7. INTRUSION DETECTION;**
 - 8. ACCESS CONTROL;**
 - 9. VIDEO SURVEILLANCE AND RECORDING;**
 - 10. MASS NOTIFICATION;**
 - 11. PUBLIC ADDRESS;**
 - 12. EMERGENCY LIGHTING;**
 - 13. PATIENT WANDERING;**
 - 14. INFANT TAGGING; AND**
 - 15. NURSE CALL.**
- (4) "PUBLIC BODY" MEANS:**
- (I) A UNIT;**
 - (II) A COUNTY;**
 - (III) A MUNICIPALITY IN THE STATE;**

(IV) A SCHOOL DISTRICT IN THE STATE; OR

(V) A SPECIAL DISTRICT IN THE STATE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PUBLIC BODY SHALL REQUIRE A CONTRACTOR OR SUBCONTRACTOR TO USE OR SUPPLY AMERICAN MANUFACTURED GOODS IN THE PERFORMANCE OF A CONTRACT FOR:

(1) CONSTRUCTING OR MAINTAINING A PUBLIC WORK; OR

(2) BUYING OR MANUFACTURING MACHINERY OR EQUIPMENT THAT IS TO BE INSTALLED AT A PUBLIC WORK SITE.

(C) THIS SECTION DOES NOT APPLY:

(1) IF THE HEAD OF A PUBLIC BODY DETERMINES THAT:

(I) THE PRICE OF THE AMERICAN MANUFACTURED GOODS EXCEEDS THE PRICE OF A SIMILAR MANUFACTURED GOOD THAT IS NOT MANUFACTURED IN THE UNITED STATES BY AN UNREASONABLE AMOUNT;

(II) THE ITEM OR A SIMILAR ITEM IS NOT MANUFACTURED OR AVAILABLE FOR PURCHASE IN THE UNITED STATES IN REASONABLY AVAILABLE QUANTITIES;

(III) THE QUALITY OF THE ITEM OR A SIMILAR ITEM MANUFACTURED IN THE UNITED STATES IS SUBSTANTIALLY LESS THAN THE

QUALITY OF A COMPARABLY PRICED, SIMILAR, AND AVAILABLE ITEM THAT IS NOT MANUFACTURED IN THE UNITED STATES; OR

(IV) THE PROCUREMENT OF A MANUFACTURED GOOD WOULD BE INCONSISTENT WITH THE PUBLIC INTEREST; OR

(2) TO EMERGENCY LIFE SAFETY AND PROPERTY SAFETY GOODS.

(D) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS TO DEFINE THE FOLLOWING TERMS FOR THE PURPOSES OF THIS SECTION:

(1) “REASONABLY AVAILABLE”;

(2) “UNREASONABLE AMOUNT”; AND

(3) “SUBSTANTIALLY LESS”.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) This Act shall be applied in a manner consistent with the State’s obligations under any applicable international agreement to which the State is bound; and

(2) This Act may not be construed to amend, alter, or impair any obligation imposed under Title 17, Subtitle 3 of the State Finance and Procurement Article.”;

and in line 7, strike “2.” and substitute “3.”.