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By: **Delegates Menes, Gutierrez, Barkley, Benson, Bobo, Burns, Conroy, D. Davis, Donoghue, Doory, Feldman, Frush, Gaines, Haynes, Holmes, Howard, Hubbard, Kaiser, Kelly, Kirk, Lee, Love, Mandel, Moe, Montgomery, Oaks, Petzold, Ross, Taylor, F. Turner, V. Turner, and Vaughn**

Introduced and read first time: February 3, 2005  
Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **International Trade Agreement - Procurement Rules - General Assembly**  
3 **Approval**

4 FOR the purpose of prohibiting State officials, including the Governor, from binding  
5 the State or consenting to bind the State to the government procurement rules  
6 of an international trade agreement except under certain circumstances;  
7 authorizing the Governor to bind the State or to consent to bind the State to the  
8 government procurement rules of an international trade agreement only if the  
9 General Assembly enacts certain legislation; providing that certain consent that  
10 a State official, including the Governor, has given for the State to be bound to  
11 certain government procurement rules of any international trade agreements on  
12 or before a certain date is declared invalid and that the State is not bound by the  
13 government procurement rules of certain international trade agreements;  
14 providing that a copy of this Act be forwarded to certain individuals; and  
15 generally relating to the authorization needed to bind the State or to consent to  
16 bind the State to certain government procurement rules of an international  
17 trade agreement.

18 BY adding to  
19 Article - State Government  
20 Section 3-308  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

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**Article - State Government**

2 3-308.

3 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, STATE  
4 OFFICIALS, INCLUDING THE GOVERNOR, MAY NOT:

5 (1) BIND THE STATE TO THE GOVERNMENT PROCUREMENT RULES OF  
6 AN INTERNATIONAL TRADE AGREEMENT; OR

7 (2) GIVE CONSENT TO THE FEDERAL GOVERNMENT TO BIND THE STATE  
8 TO THE GOVERNMENT PROCUREMENT RULES OF AN INTERNATIONAL TRADE  
9 AGREEMENT.

10 (B) THE GOVERNOR MAY BIND THE STATE OR GIVE CONSENT TO THE  
11 FEDERAL GOVERNMENT TO BIND THE STATE TO THE GOVERNMENT PROCUREMENT  
12 RULES OF AN INTERNATIONAL TRADE AGREEMENT ONLY IF THE GENERAL  
13 ASSEMBLY ENACTS LEGISLATION THAT EXPLICITLY AUTHORIZES THE GOVERNOR TO  
14 BIND THE STATE OR GIVE CONSENT TO THE FEDERAL GOVERNMENT TO BIND THE  
15 STATE TO THE GOVERNMENT PROCUREMENT RULES OF A SPECIFIC INTERNATIONAL  
16 TRADE AGREEMENT.

17 SECTION 2. AND BE IT FURTHER ENACTED, That any consent that a State  
18 official, including the Governor, has given for the State of Maryland to be bound by  
19 the government procurement rules of any international trade agreement on or before  
20 the effective date of this Act is declared invalid and the State of Maryland is not  
21 bound by the government procurement rules of any international trade agreement for  
22 which a State official, including the Governor, has given consent for the State of  
23 Maryland to be bound to on or before the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That a copy of this Act be  
25 forwarded by the Department of Legislative Services to the Honorable Robert L.  
26 Ehrlich, Jr., Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr.,  
27 President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of  
28 the House of Delegates; and to the Maryland Congressional Delegation: Senators  
29 Paul S. Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C.  
30 20510; and Representatives Wayne T. Gilchrest, C. A. Dutch Ruppersberger III,  
31 Benjamin L. Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett,  
32 Elijah E. Cummings, and Christopher Van Hollen, Jr., House Office Building,  
33 Washington, D.C. 20515.

34 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2005.