
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 Vaughn, and Kullen~~**

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2005

CHAPTER _____

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 defining a certain term; providing that a copy of this Act be forwarded to certain
15 individuals; and generally relating to the authorization needed to bind the State
16 or to consent to bind the State to certain government procurement rules of an
17 international trade agreement.

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

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

3 **Article - State Government**

4 3-308.

5 (A) (1) IN THIS SECTION, "INTERNATIONAL TRADE AGREEMENT" MEANS A
6 TRADE AGREEMENT BETWEEN THE FEDERAL GOVERNMENT AND A FOREIGN
7 COUNTRY TO WHICH THE STATE, AT THE REQUEST OF THE FEDERAL GOVERNMENT,
8 IS A PARTY.

9 (2) "INTERNATIONAL TRADE AGREEMENT" DOES NOT INCLUDE A TRADE
10 AGREEMENT BETWEEN THE STATE AND A FOREIGN COUNTRY TO WHICH THE
11 FEDERAL GOVERNMENT IS NOT A PARTY.

12 ~~(A)~~ (B) EXCEPT AS PROVIDED IN SUBSECTION ~~(B)~~ (C) OF THIS SECTION,
13 STATE OFFICIALS, INCLUDING THE GOVERNOR, MAY NOT:

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

16 (2) GIVE CONSENT TO THE FEDERAL GOVERNMENT TO BIND THE STATE
17 TO THE GOVERNMENT PROCUREMENT RULES OF AN INTERNATIONAL TRADE
18 AGREEMENT.

19 ~~(B)~~ (C) THE GOVERNOR MAY BIND THE STATE OR GIVE CONSENT TO THE
20 FEDERAL GOVERNMENT TO BIND THE STATE TO THE GOVERNMENT PROCUREMENT
21 RULES OF AN INTERNATIONAL TRADE AGREEMENT ONLY IF THE GENERAL
22 ASSEMBLY ENACTS LEGISLATION THAT EXPLICITLY AUTHORIZES THE GOVERNOR TO
23 BIND THE STATE OR GIVE CONSENT TO THE FEDERAL GOVERNMENT TO BIND THE
24 STATE TO THE GOVERNMENT PROCUREMENT RULES OF A SPECIFIC INTERNATIONAL
25 TRADE AGREEMENT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That any consent that a State
27 official, including the Governor, has given for the State of Maryland to be bound by
28 the government procurement rules of any international trade agreement on or before
29 the effective date of this Act is declared invalid and the State of Maryland is not
30 bound by the government procurement rules of any international trade agreement for
31 which a State official, including the Governor, has given consent for the State of
32 Maryland to be bound to on or before the effective date of this Act.

33 SECTION 3. AND BE IT FURTHER ENACTED, That a copy of this Act be
34 forwarded by the Department of Legislative Services to the Honorable Robert L.
35 Ehrlich, Jr., Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr.,
36 President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of
37 the House of Delegates; and to the Maryland Congressional Delegation: Senators
38 Paul S. Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C.
39 20510; and Representatives Wayne T. Gilchrest, C. A. Dutch Ruppertsberger III,
40 Benjamin L. Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett,

1 Elijah E. Cummings, and Christopher Van Hollen, Jr., House Office Building,
2 Washington, D.C. 20515.

3 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 ~~October~~ June 1, 2005.