P2 5lr0731 CF 5lr1822

By: Senators Pinsky, Britt, Brochin, Conway, DeGrange, Dyson, Exum, Forehand, Frosh, Garagiola, Giannetti, Grosfeld, Jones, Klausmeier, Lawlah, Middleton, Stone, and Teitelbaum

Introduced and read first time: February 3, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2005

CHAPTER

1 AN ACT concerning

- 2 International Trade Agreement Procurement Rules General Assembly 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
- of an international trade agreement except under certain circumstances;
- 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
- a State official, including the Governor, has given for the State to be bound to
- 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
- government procurement rules of certain international trade agreements;
- defining a certain term; providing that a copy of this Act be forwarded to certain
- individuals; and generally relating to the authorization needed to bind the State
- or to consent to bind the State to certain government procurement rules of an
- international 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:

1 Article - State Government

- 2 3-308.
- 3 (A) (1) IN THIS SECTION, "INTERNATIONAL TRADE AGREEMENT" MEANS A
- 4 TRADE AGREEMENT BETWEEN THE FEDERAL GOVERNMENT AND A FOREIGN
- 5 COUNTRY TO WHICH THE STATE, AT THE REQUEST OF THE FEDERAL GOVERNMENT,
- 6 IS A PARTY.
- 7 (2) "INTERNATIONAL TRADE AGREEMENT" DOES NOT INCLUDE A TRADE
- 8 AGREEMENT BETWEEN THE STATE AND A FOREIGN COUNTRY TO WHICH THE
- 9 FEDERAL GOVERNMENT IS NOT A PARTY.
- 10 (A) (B) EXCEPT AS PROVIDED IN SUBSECTION (B) (C) OF THIS SECTION,
- 11 STATE OFFICIALS, INCLUDING THE GOVERNOR, MAY NOT:
- 12 (1) BIND THE STATE TO THE GOVERNMENT PROCUREMENT RULES OF
- 13 AN INTERNATIONAL TRADE AGREEMENT; OR
- 14 (2) GIVE CONSENT TO THE FEDERAL GOVERNMENT TO BIND THE STATE
- 15 TO THE GOVERNMENT PROCUREMENT RULES OF AN INTERNATIONAL TRADE
- 16 AGREEMENT.
- 17 (B) (C) THE GOVERNOR MAY BIND THE STATE OR GIVE CONSENT TO THE
- 18 FEDERAL GOVERNMENT TO BIND THE STATE TO THE GOVERNMENT PROCUREMENT
- 19 RULES OF AN INTERNATIONAL TRADE AGREEMENT ONLY IF THE GENERAL
- 20 ASSEMBLY ENACTS LEGISLATION THAT EXPLICITLY AUTHORIZES THE GOVERNOR TO
- 21 BIND THE STATE OR GIVE CONSENT TO THE FEDERAL GOVERNMENT TO BIND THE
- 22 STATE TO THE GOVERNMENT PROCUREMENT RULES OF A SPECIFIC INTERNATIONAL
- 23 TRADE AGREEMENT.
- 24 SECTION 2. AND BE IT FURTHER ENACTED, That any consent that a State
- 25 official, including the Governor, has given for the State of Maryland to be bound by
- 26 the government procurement rules of any international trade agreement on or before
- 27 the effective date of this Act is declared invalid and the State of Maryland is not
- 28 bound by the government procurement rules of any international trade agreement for
- 29 which a State official, including the Governor, has given consent for the State of
- 30 Maryland to be bound to on or before the effective date of this Act.
- 31 SECTION 3. AND BE IT FURTHER ENACTED, That a copy of this Act be
- 32 forwarded by the Department of Legislative Services to the Honorable Robert L.
- 33 Ehrlich, Jr., Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr.,
- 34 President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of
- 35 the House of Delegates; and to the Maryland Congressional Delegation: Senators
- 36 Paul S. Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C.
- 37 20510; and Representatives Wayne T. Gilchrest, C. A. Dutch Ruppersberger III,
- 38 Benjamin L. Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett,
- 39 Elijah E. Cummings, and Christopher Van Hollen, Jr., House Office Building,
- 40 Washington, D.C. 20515.

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