AN ACT concerning

International Trade Agreement - Procurement Rules - General Assembly Approval

FOR the purpose of prohibiting State officials, including the Governor, from binding
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
government procurement rules of an international trade agreement only if the
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
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.

BY adding to
Article - State Government
Section 3-308
Annotated Code of Maryland
(2004 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That the Laws of Maryland read as follows:
3-308.

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

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

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

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

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

(C) THE GOVERNOR MAY BIND THE STATE OR GIVE CONSENT TO THE FEDERAL GOVERNMENT TO BIND THE STATE TO THE GOVERNMENT PROCUREMENT RULES OF AN INTERNATIONAL TRADE AGREEMENT ONLY IF THE GENERAL ASSEMBLY ENACTS LEGISLATION THAT EXPLICITLY AUTHORIZES THE GOVERNOR TO BIND THE STATE OR GIVE CONSENT TO THE FEDERAL GOVERNMENT TO BIND THE STATE TO THE GOVERNMENT PROCUREMENT RULES OF A SPECIFIC INTERNATIONAL TRADE AGREEMENT.

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

SECTION 3. AND BE IT FURTHER ENACTED, That a copy of this Act be forwarded by the Department of Legislative Services to the Honorable Robert L. Ehrlich, Jr., Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the Honorable Michael E. Busch, Speaker of the House of Delegates; and to the Maryland Congressional Delegation: Senators Paul S. Sarbanes and Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510; and Representatives Wayne T. Gilchrest, C. A. Dutch Ruppersberger III, Benjamin L. Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and Christopher Van Hollen, Jr., House Office Building, Washington, D.C. 20515.
SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.