

LC00740

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

Introduced By: Representatives Ajello, Corvese, Diaz, Naughton, and E Coderre

Date Introduced: January 24, 2006

Referred To: House Separation of Powers

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 37-2 of the General Laws entitled "State Purchases" is hereby
2 amended by adding thereto the following sections:

3 **37-2-77. International Trade Agreements -- procurement rules -- general assembly**
4 **approval. – (a)(1) As used in this section, "International Trade Agreement" means a trade**
5 **agreement between the federal government and a foreign country to which the state, at the request**
6 **of the federal government, is a party. International Trade Agreement does not include a trade**
7 **agreement between the state and a foreign country to which the federal government is not a party.**

8 **(b) Except as provided in subsection (c) of this section, state officials, including the**
9 **governor, may not:**

10 **(1) Commit the state to the government procurement rules of an "International Trade**
11 **Agreement"; or**

12 **(2) Give consent to the federal government to commit the state to the government**
13 **procurement rules of an International Trade Agreement.**

14 **(c) The governor may commit the state or give consent to the federal government to**
15 **commit the state to the government procurement rules of an International Trade Agreement only**
16 **if the general assembly enacts legislation that explicitly authorizes the governor to commit the**
17 **state or give consent to the federal government to commit the state to the government**
18 **procurement rules of a specific International Trade Agreement.**

19 **(d) Any consent that a state official, including the governor, has given for the state to be**

1 committed by the government procurement rules of any International Trade Agreement on or
2 before the effective date of this section is declared invalid and the state is not committed by the
3 government procurement rules of any International Trade Agreement for which a state official,
4 including the governor, has given consent for the state to be committed to on or before the
5 effective date of this section.

6 **37-2-78. Severability.** – If any part or provision of this chapter or the application of any
7 part or provision to any person, entity, or circumstances is judged invalid by any court of
8 competent jurisdiction, the judgment shall be confined in its operation to the part of or provision
9 of or application directly involved in the controversy in which the judgment has been rendered
10 and shall not affect or impair the validity of the remainder of this law or its application to other
11 persons, entities, or circumstances.

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13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC PROPERTY AND WORKS -- STATE PURCHASES

1 This act would provide that the governor may commit the state to give consent to the
2 federal government to commit the state to the government procurement rules of an international
3 trade agreement only if the general assembly enacts legislation that explicitly authorizes the
4 governor to commit the state, or gives consent to the federal government to commit the state
5 pursuant to such rules.

6 This act would take effect upon passage.

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