

[CHAPTER 489M]
INTERNATIONAL TRADE AGREEMENTS

Section

489M-1 Definitions

489M-2 International procurement rules, legislative action

489M-3 Federal law; conferral of authority

489M-4 Prior agreements

" **[\$489M-1] Definitions.** As used in this chapter:

"International trade agreement" means a trade agreement or memorandum of agreement between the United States government and a foreign nation, whether bilateral, multilateral, global, or regional, to which the State, at the request of the United States government, is a covered procuring entity; provided the term shall not include a trade agreement or memoranda of agreement:

- (1) Between the State and a foreign nation or its sub-national entity to which the United States government is not a party; or
- (2) Between a county and a foreign nation or its sub-national entity to which the United States government is not a party.

"Procurement" means any provision of chapter 103D. [L Sp 2007, c 1, pt of §2]

" **[\$489M-2] International procurement rules, legislative action.** (a) Any international trade agreement entered into by the President of the United States that contains provisions relating in any manner to procurement by the states shall not be valid as to those procurement provisions as it applies to this State, unless the legislature by a simple majority vote on a concurrent resolution approves of those procurement provisions. The legislature shall consider, among other things, the effect of an international trade agreement upon procurement preferences and upon the possibility of foreign governments ceasing to do business with the State.

(b) When the federal government notifies the State of an impending international trade agreement and seeks the State's approval when the legislature is not in session, the governor shall notify the president of the senate and the speaker of the house of representatives. The legislature may consider approval of the procurement provisions during a special session convened as provided in article III, section 10, of the Hawaii state constitution. The governor may not approve a trade agreement without legislative approval of its procurement provisions by a simple majority vote on a concurrent resolution. [L Sp 2007, c 1, pt of §2]

" **[\$489M-3] Federal law; conferral of authority.** This chapter is not intended to preclude state officials from entering into international trade agreements when federal law confers the authority on state officials to do so, subject to section 489M-2. [L Sp 2007, c 1, pt of §2]

" **[\$489M-4 Prior agreements.]** Any international trade agreement entered into by the President of the United States, which contains provisions relating in any manner to procurement by the states to which the governor has agreed prior to July 10, 2007, shall remain valid. [L Sp 2007, c 1, pt of §2]

Revision Note

"July 10, 2007" substituted for "the effective date of this Act".