# MAINE STATE LEGISLATURE

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Date: 6/12/13

Minority

(Filing No. H-474)

#### STATE AND LOCAL GOVERNMENT

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# STATE OF MAINE

## **HOUSE OF REPRESENTATIVES**

### 126TH LEGISLATURE

#### FIRST REGULAR SESSION

COMMITTEE AMENDMENT "

" to H.P. 955, L.D. 1338, Bill, "An Act To Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist States"

Amend the bill by striking out the title and substituting the following:

'Resolve, Directing the Department of Administrative and Financial Services To Research whether State Vendors Do Business with State Sponsors of Terrorism and How To Limit Contracts with State Sponsors of Terrorism and Directing the Office of the Attorney General To Review the Recommendations of the Department of Administrative and Financial Services'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

'Sec. 1. Department of Administrative and Financial Services to research whether current state vendors do business with corporations that do business with state sponsors of terrorism. Resolved: That the Department of Administrative and Financial Services shall research whether the State's vendors whose contracts were competitively bid do business with or have affiliates that do business with a country designated as a state sponsor of terrorism under the federal Export Administration Act of 1979, 50 United States Code, Section 2405(j) (2000); the federal Arms Export Control Act, 22 United States Code, Section 2780(d) (2000); or the federal Foreign Assistance Act of 1961, 22 United States Code, Section 2371(a) (2000). The department shall make recommendations on actions the State can take to limit contracts with corporations that contract with terrorist states, excluding corporations providing humanitarian aid to a state sponsor of terrorism and corporations providing services permitted under 31 Code of Federal Regulations, Section 560.508 within a country designated as a state sponsor of terrorism. The department shall report to the Office of the Attorney General and the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 15, 2015 with its findings and recommendations; and be it further

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- Sec. 2. Office of the Attorney General to review recommendations made by the Department of Administrative and Financial Services. Resolved: That the Office of the Attorney General shall review the recommendations of the Department of Administrative and Financial Services made pursuant to section 1 and advise the joint standing committee of the Legislature having jurisdiction over state and local government matters on any proposals recommended by the department. The Office of the Attorney General shall consider: whether any action taken by the State pursuant to recommendations under section 1 would violate the Foreign Commerce Clause of the United States Constitution; whether the action would interfere with the Federal Government's exclusive power to conduct foreign affairs; and whether the action would be preempted by federal law. The Office of the Attorney General shall report the results of its review to the joint standing committee of the Legislature having jurisdiction over state and local government matters by February 15, 2015; and be it further
- Sec. 3. Joint standing committee of the Legislature having jurisdiction over state and local government matters may submit a bill to the First Regular Session of the 127th Legislature. Resolved: That the joint standing committee of the Legislature having jurisdiction over state and local government matters may submit a bill related to the subject matter of the reports received under sections 1 and 2 to the First Regular Session of the 127th Legislature; and be it further
- **Sec. 4. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.
- 22 ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
- 23 Purchases Division of 0007
- Initiative: Provides funds to contract for research assistance.

25	GENERAL FUND	2013-14	2014-15
26	All Other	\$10,000	\$0
27			
28	GENERAL FUND TOTAL	\$10,000	\$0

30 SUMMARY

This amendment is the minority report of the committee and strikes the bill and replaces it with a resolve. The amendment directs the Department of Administrative and Financial Services to research all vendors whose contracts were competitively bid and whether they or their affiliates do business with a country designated as a state sponsor of terrorism. The amendment directs the Department of Administrative and Financial Services to recommend actions the State can take to limit contracts with corporations that contract with terrorist states and report its findings to the Office of the Attorney General and the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 15, 2015. The amendment also directs the Office of the Attorney General to review and advise the joint standing committee on the recommendations from the Department of Administrative and Financial Services. It

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COMMITTEE AMEN	JDMENT "  " to H.	.P. 955, L.D. 133

1 2 3	provides that the joint standing committee may submit a bill related to the subject matter of the reports to the First Regular Session of the 127th Legislature. The amendment also adds an appropriations and allocations section.
4	FISCAL NOTE REQUIRED
5	(See attached)

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# **COMMITTEE AMENDMENT**



# 126th MAINE LEGISLATURE

LD 1338

LR 1604(02)

An Act To Prohibit State and Local Governments from Contracting with Corporations That Engage in Business in Known Terrorist States

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H -474)

Committee: State and Local Government

Fiscal Note Required: Yes

### **Fiscal Note**

	FY 2013-14	FY 2014-15	Projections FY 2015-16	Projections FY 2016-17
Net Cost (Savings) General Fund	\$10,000	\$0	\$0	\$0
Appropriations/Allocations General Fund	\$10,000	\$0	\$0	\$0

## Fiscal Detail and Notes

This bill includes a General Fund appropriation of \$10,000 in fiscal year 2013-14 for the Department of Administrative and Financial Services to contract for research services related to contractors affiliations with a country designated as a state sponsor of terrorism. The additional costs to the Department of the Attorney General can be absorbed utilizing existing budgeted resources.