ASSEMBLY BILL NO. 159–ASSEMBLYMEN PIERCE, KIRKPATRICK, KOIVISTO; AIZLEY, ANDERSON, ARBERRY, ATKINSON, BUCKLEY, CARPENTER, CLABORN, CONKLIN, DENIS, GOICOECHEA, GRADY, HOGAN, HORNE, KIHUEN, LESLIE, MANENDO, MASTROLUCA, MCCLAIN, MORTENSON, MUNFORD, OCEGUERA, OHRENSCHALL, PARNELL, SEGERBLOM, SMITH AND SPIEGEL

FEBRUARY 11, 2009

JOINT SPONSORS: SENATORS CARLTON, PARKS; COPENING AND WOODHOUSE

Referred to Committee on Government Affairs

SUMMARY—Prohibits the Governor or any other state officer or employee, without authorization by the Legislature, from binding the State to the requirements of an international trade agreement or otherwise committing the State to comply with the nontariff terms of an international trade agreement. (BDR 52-386)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to international trade agreements; prohibiting the Governor or any other state officer or employee, without authorization by the Legislature, from binding the State to the requirements of an international trade agreement or otherwise committing the State to comply with the nontariff terms of an international trade agreement; invalidating any prior consent to any such requirements in an international trade agreement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Certain international trade agreements, such as the Agreement on Government Procurement, obligate states and local governments to certain requirements concerning government purchasing. **Section 1** of this bill prohibits the Governor or any other state officer or employee, without authorization by the Legislature, from: (1) binding the State to the requirements of an international trade agreement or otherwise committing the State to comply with the nontariff terms of an international trade agreement; or (2) giving consent to the Federal Government to bind the State to the requirements of an international trade agreement or otherwise indicating that the State will comply with the nontariff terms of an international trade agreement. **Section 2** of this bill invalidates any prior consent to such requirements of an international trade agreement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a state officer or employee, including the Governor, may not:

(a) Bind the State to the requirements of an international trade agreement or otherwise commit the State to comply with the nontariff terms of an international trade agreement; or

(b) Give consent to the Federal Government to bind the State to the requirements of an international trade agreement or otherwise indicate that the State will comply with the nontariff terms of an international trade agreement.

2. The Governor may not bind the State or give consent to the Federal Government to bind the State to the requirements of an international trade agreement or otherwise commit the State to comply with the nontariff terms of an international trade agreement unless the Legislature has enacted legislation that explicitly authorizes the Governor to do so.

3. As used 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 participant. The term does not include a trade agreement between the State and a foreign country to which the Federal Government is not a party.

Sec. 2. 1. Any consent that the Governor or any other state officer or employee has given on or before the effective date of this act for the State to be bound by the requirements of an international trade agreement is hereby declared to be invalid, and the State is not bound by such requirements.

2. As used in this section, "international trade agreement" has the meaning ascribed to it in section 1 of this act.

Sec. 3. This act becomes effective upon passage and approval.

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