

Assembly Bill No. 1276

Passed the Assembly May 28, 2009

Chief Clerk of the Assembly

Passed the Senate September 9, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Chapter 1 (commencing with Section 100000) to Title 20 of the Government Code, relating to international trade.

LEGISLATIVE COUNSEL'S DIGEST

AB 1276, Skinner. International trade.

Existing constitutional provisions authorize the Legislature to provide for the selection of committees necessary for the conduct of its business, including committees to ascertain facts and make recommendations to the Legislature on a subject within the scope of legislative control.

This bill would prohibit a state official, including the Governor, from binding the state, or giving consent to the federal government to bind the state, to provisions of a proposed international trade agreement, including, the government procurement rules, unless a statute is enacted that explicitly authorizes a state official, including the Governor, to bind the state or to give consent to bind the state to that trade agreement.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1 (commencing with Section 100000) is added to Title 20 of the Government Code, to read:

CHAPTER 1. CONSENT TO BIND CALIFORNIA TO PROVISIONS
OF PROPOSED INTERNATIONAL TRADE AGREEMENTS

100000. The Legislature finds and declares all of the following:

(a) International trade agreements are being negotiated by the federal government without providing for review by state officials concerned with the implications for state laws and state lawmaking authority.

(b) The federal government has failed to consult with state legislators when seeking the consent of states to be bound by government procurement provisions of international trade agreements.

(c) Government procurement and other provisions contained in international trade agreements may affect the ability of the state to enact common economic development and environmental policies, such as buy local laws, recycled content laws, and renewable energy purchasing requirements. Some measures to achieve important state economic development or environmental objectives could conflict with obligations in one or more international trade agreements and could therefore be challenged as potential barriers to trade.

(d) The Legislature and the Governor have historically worked together to adopt and implement state procurement standards and other public policies, and therefore, the decision to consent to the coverage of California under procurement rules and other provisions of international trade agreements should also be considered by the Legislature and the Governor in the form of a statutory change in law.

100001. (a) In this section, “Proposed International Trade Agreement” means a trade agreement negotiated, or in the process of being negotiated, between the federal government and a foreign country.

(b) A state official, including the Governor, may not bind the state, or give consent to the federal government to bind the state, to provisions of a Proposed International Trade Agreement, including, but not limited to, the government procurement rules, unless a statute is enacted that explicitly authorizes a state official, including the Governor, to bind the state or give consent to bind the state to the provisions of that trade agreement.

Approved _____, 2009

Governor