

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 from binding the State to the requirements of an international trade agreement without authorization by the Legislature. (BDR 19-386)

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 from binding the State to the requirements of an international trade agreement without authorization by the Legislature; invalidating any prior consent to any such requirements in an international trade agreement; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Certain international trade agreements, such as the Agreement on Government
2 Procurement, obligate states and local governments to certain requirements
3 concerning government purchasing. **Section 1** of this bill prohibits the Governor or
4 any other state officer or employee from binding the State to the requirements of an
5 international trade agreement without authorization by the Legislature. **Section 2** of
6 this bill invalidates any prior consent to such requirements of an international trade
7 agreement.



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

1 **Section 1.** Chapter 237A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

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

5 (a) *Bind the State to the requirements of an international trade*
6 *agreement; or*

7 (b) *Give consent to the Federal Government to bind the State*
8 *to the requirements of an international trade agreement.*

9 2. *The Governor may bind the State or give consent to the*
10 *Federal Government to bind the State to the requirements of an*
11 *international trade agreement only if the Legislature has enacted*
12 *legislation that explicitly authorizes the Governor to do so.*

13 3. *As used in this section, "international trade agreement"*
14 *means a trade agreement between the Federal Government and a*
15 *foreign country to which the State, at the request of the Federal*
16 *Government, is a party. The term does not include a trade*
17 *agreement between the State and a foreign country to which the*
18 *Federal Government is not a party.*

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

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

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

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