

FIRST REGULAR SESSION

HOUSE BILL NO. 872

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SHOEMYER (Sponsor),
WAGNER AND GEORGE (Co-sponsors).

Read 1st time March 30, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2079L.011

AN ACT

To amend chapters 21 and 620, RSMo, by adding thereto four new sections relating to trade agreements.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapters 21 and 620, RSMo, are amended by adding thereto four new sections, to be known as sections 21.850, 21.852, 620.1600, and 620.1604, to read as follows:

21.850. 1. As used in sections 21.850 to 21.852 the term "office" shall mean the office of trade enforcement created under section 620.1600, RSMo.

2. This state shall not be bound by any trade agreement without the consent of the general assembly.

3. The following actions are required before this state shall consent to the terms of a trade agreement:

(1) When a request has been received, any member of the general assembly may submit to the general assembly, on a day on which both houses are in session, a copy of the final text of the trade agreement, together with:

(a) A report by the office including an analysis of how the agreement of this state to the specific provisions of the trade agreement may change or affect existing state law;

(b) A statement of any administrative action proposed to implement these trade agreement provisions in this state; and

(c) Legislation authorizing this state to agree to the specific listed provisions of the trade agreement in question;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (2) A public hearing, with adequate public notice, shall occur before the general
17 assembly votes on the bill; and

18 (3) Legislation authorizing this state to agree to specific listed provisions of a trade
19 agreement shall be passed by both houses of the general assembly and signed by the
20 governor.

21.852. 1. Subject to appropriation from the general revenue fund, two individuals
2 shall be appointed, at the beginning of each legislative session, as general assembly points
3 of contact. The general assembly points of contact shall serve as such until the final day
4 of the legislative session. The speaker of the house of representatives shall appoint one
5 general assembly point of contact and the president pro tem of the senate shall appoint the
6 other general assembly point of contact. The general assembly points of contact shall not
7 be compensated for their services, but they shall be reimbursed for actual and necessary
8 expenses incurred in the performance of their duties.

9 2. The specific duties of the general assembly points of contact shall include, but not
10 be limited to, the following:

11 (1) Serving as liaisons between the general assembly and the United States
12 Government on trade-related matters and as liaisons between the general assembly and the
13 governor on trade-related matters;

14 (2) Serving as the designated recipients of federal requests for consent or
15 consultation regarding investment, procurement, services, or other provisions of
16 international trade agreements that impinge on this state's laws, or rules;

17 (3) Transmitting information regarding federal requests for consent to the
18 governor, the attorney general, the general assembly, and the office;

19 (4) Issuing a formal request to the office and other appropriate state agencies to
20 provide analysis of all proposed trade agreements' impact on this state's legislative
21 authority and the economy of this state;

22 (5) Informing all members of the general assembly on a regular basis of ongoing
23 trade negotiations and dispute settlement proceedings including the impact such
24 negotiations and proceedings may have on this state;

25 (6) Communicating the interests and concerns of the general assembly to the United
26 States Trade Representative regarding ongoing and proposed trade negotiations; and

27 (7) Notifying the United States Trade Representative of the outcome of any
28 legislative action by the general assembly relating to trade agreements.

620.1600. 1. As used in sections 620.1600 to 620.1604 the following terms shall
2 mean:

3 (1) "Commission", the citizen's commission on globalization created under section

4 **620.1604;**

5 (2) "Department", department of economic development;

6 (3) "Office", the office of trade enforcement created under this section.

7 2. There is hereby established within the department the "Office of Trade
8 Enforcement".

9 3. Subject to appropriations from the general revenue fund, the specific duties of
10 office shall include, but not be limited to, the following:

11 (1) Monitoring trade negotiations and disputes impacting this state's economy;

12 (2) Analyzing pending trade agreements this state is considering agreeing to and
13 providing analysis to the governor, the general assembly, the commission, and the public;

14 (3) Providing technical assistance to workers and firms impacted by unfair trade
15 practices;

16 (4) Annually providing a trade impact report to the governor, the general assembly,
17 the commission, and the public;

18 (5) Providing additional research and analysis as requested by the governor, the
19 general assembly, and the commission.

20 4. Each annual trade impact report required under subdivision (4) of subsection
21 3 of this section shall include:

22 (1) An audit of the amount of public contract work being performed overseas;

23 (2) An audit of the materials, products, supplies, provisions, and other needed
24 articles used by this state's government that are procured from outside of the United
25 States;

26 (3) A study of impact of trade upon this state's employment levels, tax revenues,
27 and retraining and adjustment costs;

28 (4) An analysis of the constraints trade rules place on this state's regulatory
29 authority, including but not limited to this state's ability to preserve enforcement, protect
30 public health and safety, and provide public services; and

31 (5) Findings and recommendations of specific actions this state should take in
32 response to the impact of trade. Such actions may include, but shall not be limited to, the
33 following:

34 (a) Revocation of the state's consent to be bound by the procurement rules of
35 international trade agreements;

36 (b) Prohibition of offshore performance of state contract work and preferences for
37 materials, products, supplies, provisions, and other needed articles produced,
38 manufactured, compounded, made, or grown within the United States in state purchasing;

39 (c) State support for cases brought under federal trade laws by resident of this

40 state;

41 (d) State advocacy for reform of trade agreements and trade laws at the federal
42 levels; and

43 (e) Implementation of a growth strategy formulated with business, labor, and
44 community participation. Such a strategy may include, but not be limited to:

45 a. More effective early warning and layoff aversion measures;

46 b. Increased assistance and adjustment programs for displaced workers and trade-
47 impacted communities;

48 c. Stronger standards and accountability for recipients of state subsidies and
49 incentives;

50 d. Investments in workforce training and development;

51 e. Investments in technology and infrastructure; and

52 f. Increased access to capital for local producers.

53 5. (1) The department shall have the authority to promulgate rules necessary for
54 the administration of this section.

55 (2) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
56 that is created under the authority delegated in this section shall become effective only if
57 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
58 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
59 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
60 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
61 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
62 adopted after August 28, 2005, shall be invalid and void.

63 6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:

64 (1) The provisions of the new program authorized under this section shall
65 automatically sunset six years after the effective date of this section unless reauthorized by
66 an act of the general assembly; and

67 (2) If such program is reauthorized, the program authorized under this section
68 shall automatically sunset twelve years after the effective date of the reauthorization of this
69 section; and

70 (3) This section shall terminate on September first of the calendar year immediately
71 following the calendar year in which the program authorized under this section is sunset.

620.1604. 1. There is hereby created the "Citizen's Commission on Globalization".

2 2. The commission shall consist of twelve members. The governor shall appoint
3 four members to the board, one who shall represent the interest of employers in this state,
4 one who shall represent the interest of labor organizations in this state, one who shall

5 represent the interests of community organizations in this state, and one who shall
6 represent the interest of the government of this state. The speaker of the house of
7 representatives shall appoint four members to the board, one who shall represent the
8 interest of employers in this state, one who shall represent the interest of labor
9 organizations in this state, one who shall represent the interest of community organizations
10 in this state, and one who shall represent the interest of the government of this state. The
11 president pro tem of the senate shall appoint four members to the board, one who shall
12 represent the interest of employers in this state, one who shall represent the interest of
13 labor organizations in this state, one who shall represent the interests of community
14 organizations in this state, and one member who shall represent the interest of the
15 government of this state. Each commission member shall serve for a term of two years.

16 **3. The commission members shall not be compensated for their services, but they**
17 **shall be reimbursed for actual and necessary expenses incurred in the performance of their**
18 **duties. The department shall provide staff to the commission and aid it in the performance**
19 **of its duties.**

20 **4. The specific duties of the commission shall include, but not be limited to:**

21 **(1) Assessing the legal and economic impacts of trade agreements;**

22 **(2) Providing input on the annual trade impact report;**

23 **(3) Holding public hearings on the impacts of trade on this state and its**
24 **communities, as well as the impact the annual trade impact report has had on this state;**
25 **and**

26 **(4) Making policy recommendations to the governor, general assembly, any**
27 **congressional delegation of this state, and United States trade negotiators.**

28 **5. (1) The department shall have the authority to promulgate rules necessary for**
29 **the administration of this section.**

30 **(2) Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
31 **that is created under the authority delegated in this section shall become effective only if**
32 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
33 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
34 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
35 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
36 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
37 **adopted after August 28, 2005, shall be invalid and void.**

38 **6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

39 **(1) The provisions of the new program authorized under this section shall**
40 **automatically sunset six years after the effective date of this section unless reauthorized by**

41 **an act of the general assembly; and**

42 **(2) If such program is reauthorized, the program authorized under this section**
43 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
44 **section; and**

45 **(3) This section shall terminate on September first of the calendar year immediately**
46 **following the calendar year in which the program authorized under this section is sunset.**