

FIRST REGULAR SESSION

# HOUSE BILL NO. 411

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BOWMAN (Sponsor), FALLERT, WALSH, CORCORAN, DARROUGH, WALTON, KOMO, ZWEIFEL, MEADOWS, SALVA, GEORGE, DONNELLY, WRIGHT-JONES, HUGHES, WITTE, LOWE (44), VOGT, MEINERS, RUCKER, LeVOTA, TALBOY, YOUNG, LOW (39), DAUS, CURLS, VILLA, OXFORD, CASEY AND BLAND (Co-sponsors).

Read 1st time January 16, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0907L.011

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### AN ACT

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

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*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 620.1602, 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**

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.

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

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 620.1602 the following terms shall  
2 mean:

3 (1) "Commission", the citizen's commission on globalization created under section  
4 620.1602;

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. The department shall have the authority to promulgate rules necessary for the**  
54 **administration of this section. Any rule or portion of a rule, as that term is defined in**  
55 **section 536.010, RSMo, that is created under the authority delegated in this section shall**  
56 **become effective only if it complies with and is subject to all of the provisions of chapter**  
57 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**  
58 **RSMo, are nonseverable and if any of the powers vested with the general assembly**  
59 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**  
60 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
61 **authority and any rule proposed or adopted after August 28, 2007, shall be invalid and**  
62 **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.**

**620.1602. 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. The department shall have the authority to promulgate rules necessary for the  
29 administration of this section. Any rule or portion of a rule, as that term is defined in  
30 section 536.010, RSMo, that is created under the authority delegated in this section shall  
31 become effective only if it complies with and is subject to all of the provisions of chapter  
32 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,  
33 RSMo, are nonseverable and if any of the powers vested with the general assembly  
34 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and  
35 annul a rule are subsequently held unconstitutional, then the grant of rulemaking**

36 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and  
37 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.

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