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**CONCURRENT RESOLUTION ON
INTERNATIONAL TRADE AND STATE
GOVERNMENTS**

2010 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Sheryl L. Allen

Senate Sponsor: Mark B. Madsen

Cosponsors: Eric K. Hutchings Phil Riesen
Jackie Biskupski



LONG TITLE

Committee Note:

The Utah International Trade Commission recommended this bill.

General Description:

This concurrent resolution of the Legislature and the Governor urges Congress to improve federal-state consultation on international trade, including improving the availability of data to states necessary to evaluate the impact of free trade agreements on economic development within the states and state authority.

Highlighted Provisions:

This resolution:

- ▶ urges Congress to improve federal-state consultation on matters of international trade and improve the availability of data to states regarding international trade agreements and their impact on the states; and
- ▶ provides for the distribution of the resolution.

Special Clauses:

None



28 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

29 WHEREAS, the economic prosperity of the United States is best served by embracing
30 free and fair trade in global markets, investing in innovative research and technologies, and
31 providing assistance to workers impacted by technology and trade trends;

32 WHEREAS, expanding trade opportunities for American workers and businesses
33 depends on cooperation between the federal government and the states;

34 WHEREAS, the trade liberalization efforts of the early 1990s and trade agreements
35 such as the North American Free Trade Agreement and the World Trade Organization Uruguay
36 Round agreements have increased the need for state policymakers to play a greater role in
37 international trade decisions;

38 WHEREAS, trade liberalization has transformed the historical state-federal division of
39 power into one of necessary and critical partnership, and thereby taxed state agency resources
40 in determining the impact on state laws and regulations;

41 WHEREAS, state sovereignty should be preserved by the federal government in trade
42 promotion activities;

43 WHEREAS, states often lack a clearly defined institutional trade policy structure and
44 resources, making it difficult to handle requests from trading partners and federal agencies, and
45 to articulate a unified state stance on trade issues;

46 WHEREAS, recent trade agreements have proceeded beyond just discussion of tariffs
47 and quotas and now substantially address and affect government regulation, taxation,
48 procurement, and economic development policies that are historically legislated and
49 implemented at state and local levels;

50 WHEREAS, recent trade agreements that proceed beyond tariffs and quotas intersect
51 with traditional areas of state authority under the 10th Amendment of the United States
52 Constitution, such as regulating the environment, health, and safety and, thus, have a major
53 impact on the states' continuing authority to legislate and regulate in these areas;

54 WHEREAS, international lawsuits may be brought against the United States alleging
55 that its states and localities have violated trade agreements;

56 WHEREAS, international trade agreements must ensure that non-discriminatory state
57 laws and regulations adopted for a public purpose and with due process are not preempted or
58 otherwise undermined and weakened by international sanctions or penalties;

59 WHEREAS, states' interests must be paramount during the negotiation of international
60 agreements given the direct impact on their police powers, policies, and programs;

61 WHEREAS, there is a need for a strong federal-state trade policy consultation
62 mechanism;

63 WHEREAS, the Intergovernmental Policy Advisory Committee, a state-supported
64 advisory committee to the United States Trade Representative, plays an important role in
65 providing state input to the United States Trade Representative but which is limited in its
66 effectiveness by an inability to share classified information with relevant state officials and
67 members of the general public;

68 WHEREAS, compartmentalization of information within the Intergovernmental Policy
69 Advisory Committee prevents members from gathering important and relevant information
70 from those state officials and members of the general public;

71 WHEREAS, in August 2004, the Intergovernmental Policy Advisory Committee
72 recommended that a federal-state International Trade Policy Commission would be an ideal
73 resource for objective trade policy analysis and would foster communication among federal and
74 state trade policy officials;

75 WHEREAS, the creation of an effective federal-state trade policy infrastructure would
76 assist states in understanding the scope of federal trade efforts, would assist federal agencies in
77 understanding the various state trade processes, and would give states meaningful input into the
78 development and implementation of United States Trade Representative's activities;

79 WHEREAS, federal-state consultation should include the timely and comprehensive
80 sharing of information on the substance and likely impact of trade agreements on state laws and
81 regulations, appropriate use of the state single points of contact, improved trade data to assess
82 the impact of proposed and existing agreements, and a reasonable opportunity for meaningful
83 input by the states; and

84 WHEREAS, in 2006, the Utah State Legislature statutorily created the Utah
85 International Trade Commission to study and make recommendations to the Legislature
86 concerning the impact of international agreements adopted by the United States on the
87 Legislature's constitutional power to regulate state affairs, public and private, and to promote
88 Utah exports:

89 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the

90 Governor concurring therein, urge Congress to improve federal-state consultation on
91 international trade, including improving the availability of data to states necessary to evaluate
92 the impact of free trade agreements on economic development within the states and state
93 authority.

94 BE IT FURTHER RESOLVED that copies of this resolution be sent to the members of
95 Utah's Congressional Delegation, the Office of the United States Trade Representative, the
96 Intergovernmental Policy Advisory Committee, the U.S. Senate Finance Committee, the U.S.
97 House Ways and Means Committee, the Speaker of the U.S. House of Representatives, and the
98 President of the U.S. Senate.

Legislative Review Note
as of 11-19-09 1:00 PM

Office of Legislative Research and General Counsel

Fiscal Note

H.C.R. 1 - Concurrent Resolution on International Trade and State Governments

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
