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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:	Julie Fisher	Phil Riesen
Jackie Biskupski	Eric K. Hutchings	

LONG TITLE

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

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

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

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

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

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

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

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

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

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

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

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

57 WHEREAS, states' interests must be paramount during the negotiation of international

58 agreements given the direct impact on their police powers, policies, and programs;

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

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

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

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

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

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

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

86 Utah exports:

87 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
88 Governor concurring therein, urge Congress to improve federal-state consultation on
89 international trade, including improving the availability of data to states necessary to evaluate
90 the impact of free trade agreements on economic development within the states and state
91 authority.

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