

**SENATE CONCURRENT
RESOLUTION No. 80**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Amends Constitution to require legislative consent for any State approval of a trade agreement.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** proposing to amend Article IV,
2 Section VII of the Constitution of the State of New Jersey by
3 adding a new paragraph thereto.

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5 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*
6 *General Assembly concurring):*

7
8 1. The following proposed amendment to the Constitution of
9 the State of New Jersey is agreed to:

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11 PROPOSED AMENDMENT

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13 Amend Article IV, Section VII of the State Constitution by the
14 addition of the following paragraph:

15 13. The State shall not agree to be bound by any provision of an
16 international trade agreement without the consent of the State
17 Legislature. Four members of the State Legislature shall be
18 appointed at the beginning of each legislative session to serve as
19 State Legislative Points of Contact and the Legislature's
20 representatives on the Citizen's Commission on Trade and
21 Democracy, as established in this paragraph, during the term of the
22 legislative session as follows: one member of the Senate appointed
23 by the President and one by the Minority Leader of the Senate; and
24 one member of the General Assembly appointed by the Speaker and
25 one by the Minority Leader of the General Assembly. The State
26 Legislative Points of Contact shall serve as the State's official
27 liaisons with the federal government and as the Legislature's
28 liaisons with the Governor on trade-related matters and as the
29 designated recipients of all communication from any representative
30 of the federal government providing information regarding trade
31 agreements or negotiations, including any federal request for
32 consent or consultation regarding investment, procurement, services
33 or other provisions of trade agreements which may impinge on State
34 law or regulatory authority. If any representative of the federal
35 government communicates with the Governor or other State entity
36 regarding any trade agreement or negotiation, but not with the State
37 Legislative Points of Contact, then the Governor or other entity
38 shall promptly forward those communications to the State
39 Legislative Points of Contact. The State shall not consent or in any
40 way agree to any terms of any trade agreement, unless:

41 a. The provisions of the trade agreement and all related
42 analysis and documentation have been provided to the State
43 Legislative Points of Contact and the State Legislative Points of
44 Contact have requested and received from all appropriate State
45 agencies analyses of the impact of the trade agreement, and made
46 those analyses available to the Legislature and the public;

47 b. The Citizen's Commission on Trade and Democracy has
48 held public hearings throughout the State regarding the potential

1 social, environmental, economic and legal effects of the trade
2 agreement, and made public the proceedings of the hearings; and

3 c. After considering those analyses and proceedings, the
4 Legislature votes to enact legislation authorizing the State to concur
5 with specific listed provisions of the agreement.

6 There is established the Citizen's Commission on Trade and
7 Democracy, comprised of: the four members of the Legislature
8 serving as State Legislative Points of Contact; the Attorney General
9 and the heads of four departments which are designated by law as
10 the departments responsible for issues affected by trade policies,
11 including issues of commerce, agriculture, environment, labor and
12 employment; and 10 public members appointed by the Governor,
13 with the advice and consent of the Senate, including representatives
14 of private-sector and public-sector labor organizations affected by
15 international trade, outsourcing and off-shoring; representatives of
16 businesses engaged in, or affected by, international trade; farmers
17 affected by international trade; and individuals with recognized
18 expertise on the effects of international trade on human rights,
19 workplace rights, and environmental and consumer protection. The
20 commission shall assist the State Legislative Points of Contact in
21 their duties, monitor trade negotiations and disputes, assess the
22 social, economic, environmental and legal impacts of pending trade
23 agreements, hold hearings, and produce and make public reports of
24 its findings and any recommendations it may have on pending trade
25 agreements and possible legislation.

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27 2. When this proposed amendment to the Constitution is finally
28 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
29 shall be submitted to the people at the next general election
30 occurring more than three months after the final agreement and
31 shall be published at least once in at least one newspaper of each
32 county designated by the President of the Senate, the Speaker of the
33 General Assembly and the Secretary of State, not less than three
34 months prior to the general election.

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36 3. This proposed amendment to the Constitution shall be
37 submitted to the people at that election in the following manner and
38 form:

39 There shall be printed on each official ballot to be used at the
40 general election, the following:

41 a. In every municipality in which voting machines are not used,
42 a legend which shall immediately precede the question as follows:

43 If you favor the proposition printed below make a cross (X), plus
44 (+), or check (✓) in the square opposite the word "Yes." If you are
45 opposed thereto make a cross (X), plus (+) or check (✓) in the
46 square opposite the word "No."

47 b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT TO REQUIRE PUBLIC REVIEW AND LEGISLATIVE CONSENT BEFORE THE STATE CAN AGREE TO BE BOUND BY A TRADE AGREEMENT</p> <p>Do you approve amending the Constitution to require public input and consent of the Legislature for the State to agree to be bound by any trade agreement?</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This amendment requires public input and the consent of the Legislature prior to the State agreeing to be bound by any international trade agreement.</p> <p>The amendment creates a commission made up of legislators, State officials and members of the public who would review the trade agreement. The commission would hold public hearings throughout the State. After the commission has finished its hearings, the Legislature may vote to agree with the trade agreement.</p> <p>The purpose of this amendment is to ensure that the State can only agree to be bound by international trade agreements with the consent of the Legislature, after opportunity for public comment. It allows a complete review of trade agreements that may limit the ability of the State to enact laws which prevent the transfer of service jobs overseas or require the State to buy goods made in the United States.</p>

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STATEMENT

The purpose of this proposed constitutional amendment is to clearly establish the role of the State Legislature in setting trade policy for the State and ensure that the citizens of the State and the Legislature have access to information on the impact of international trade policy on the State economy. The amendment:

1. Requires consent of the State Legislature for any approval by the State to be bound by any trade agreement;

2. Requires the designation of four members of the Legislature to be State Legislative Points of Contact to serve as official liaisons

1 with the Governor's office and the federal government on trade
2 policy; and

3 3. Establishes a Citizen's Commission on Trade and
4 Democracy to monitor trade negotiations and disputes; assess the
5 social, environmental, legal and economic effects of trade
6 agreements and proposed trade agreements; and hold hearings and
7 make recommendations regarding trade policy and related
8 legislation.

9 While New Jersey participates in the global economy and seeks
10 to maximize the benefits and minimize the adverse impacts of
11 international trade, some recent trade agreements have impacts
12 significantly beyond the bounds of traditional trade matters, such as
13 tariffs and quotas, and may undermine the State's constitutionally
14 guaranteed authority to protect the public health, safety and welfare.
15 Some trade agreements, lacking adequate human rights, labor, and
16 environmental standards, have put New Jersey workers and
17 businesses at a disadvantage when competing with firms operating
18 in jurisdictions with lower standards. Some agreements have
19 eroded the traditional autonomy of states in procurement matters by
20 requiring state and local governments to accord foreign suppliers of
21 goods and services treatment no less favorable than that afforded to
22 in-state suppliers.