

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

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

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

PROPOSED AMENDMENT

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

13. Approval for the State to be bound by any provision of an international trade agreement requires the consent of the State Legislature. Four members of the State Legislature shall be appointed at the beginning of each legislative session to serve as State Legislative Points of Contact and the Legislature's representatives on the Citizen's Commission on Trade and Democracy, as established in this paragraph, during the term of the legislative session as follows: one member of the Senate appointed by the President and one by the Minority Leader of the Senate; and one member of the General Assembly appointed by the Speaker and one by the Minority Leader of the General Assembly. The State Legislative Points of Contact shall serve as the State's official liaisons with the federal government and as the Legislature's liaisons with the Governor on trade-related matters and as the designated recipients of all communication from any representative of the federal government providing information regarding trade agreements or negotiations, including any federal request for consent or consultation regarding investment, procurement, services or other provisions of trade agreements which may impinge on State law or regulatory authority. If any representative of the federal government communicates with the Governor or other State entity regarding any trade agreement or negotiation, but not with the State Legislative Points of Contact, then the Governor or other entity shall promptly forward those communications to the State Legislative Points of Contact. The State shall not consent or in any way agree to any terms of any trade agreement, unless:

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

b. The Citizen's Commission on Trade and Democracy has held public hearings throughout the State regarding the potential social, environmental, economic and legal effects of the trade agreement, and made public the proceedings of the hearings; and

c. After considering those analyses and proceedings, the Legislature enacts legislation authorizing the State to concur with specific listed provisions of the agreement.

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

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

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

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

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

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

b. In every municipality the following question:

	YES	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT TO REQUIRE PUBLIC REVIEW AND LEGISLATIVE CONSENT BEFORE THE STATE CAN AGREE TO BE BOUND BY A TRADE AGREEMENT</p> <p>Shall the amendment to Article IV, Section VII of the Constitution of the State of New Jersey, requiring public review and consent of the State Legislature before the State can agree to be bound by an international trade agreement, be approved?</p>
	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>This proposed constitutional amendment requires public review and the consent of the State Legislature before the State can agree to be bound by an international trade agreement. The amendment creates a commission made up of legislators, State officials and members of the public to review the impact of pending trade agreements. The commission will also make reports to the public and hold open hearings about these trade agreements. The purpose of the amendment is to ensure that State decisions about trade agreements are made only with the participation of the Legislature, and only after the public has been informed and allowed to debate the issues involved. It allows the Legislature and the public to review trade agreements which may affect laws such as the laws that prevent the transfer of service jobs to other nations or require the State to buy products made in the United States.</p>

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

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

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

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

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