

1 THAT STATE CONTRACT SPECIFICATIONS MUST NOT BURDEN TRADE ANY MORE THAN
2 NECESSARY, AND LIMIT SUPPLIER QUALIFICATIONS TO QUALIFICATIONS THAT ARE
3 "ESSENTIAL" TO THE PERFORMANCE OF THE CONTRACT.

4 3. STATE LEGISLATORS HAVE AN IMPORTANT ROLE TO PLAY IN PRESERVING
5 STATE AUTHORITY OVER PROCUREMENT POLICY. THESE CRITICAL DECISIONS SHOULD
6 BE MADE ONLY WITH THE INVOLVEMENT OF THE LEGISLATURE, AND ONLY AFTER THE
7 PUBLIC HAS BEEN ADEQUATELY INFORMED AND HAS OPENLY DEBATED THE ISSUES
8 INVOLVED.

9 4. IT IS CRITICAL FOR CITIZENS, STATE AGENCIES, THE LEGISLATURE, AND
10 OTHER ELECTED OFFICIALS IN THE STATE TO HAVE ACCESS TO INFORMATION ABOUT
11 HOW TRADE IMPACTS STATE LEGISLATIVE AUTHORITY, THE STATE'S ECONOMY, AND
12 EXISTING STATE LAWS IN ORDER TO PARTICIPATE IN AN INFORMED DEBATE ABOUT
13 INTERNATIONAL TRADE ISSUES.

14 5. IT IS THE SENSE OF THIS LEGISLATURE THAT THE CONGRESS OF THE UNITED
15 STATES SHOULD PASS LEGISLATION INSTRUCTING THE UNITED STATES TRADE
16 REPRESENTATIVE (USTR) TO FULLY AND FORMALLY CONSULT INDIVIDUAL STATE
17 LEGISLATURES REGARDING PROCUREMENT, SERVICES, INVESTMENT, OR ANY OTHER
18 TRADE AGREEMENT RULES THAT IMPACT STATE LAWS OR AUTHORITY BEFORE NEGOTI-
19 ATIONS BEGIN AND AS THEY DEVELOP, AND TO SEEK CONSENT FROM STATE LEGIS-
20 LATURES IN ADDITION TO GOVERNORS PRIOR TO BINDING STATES TO CONFORM
21 THEIR LAWS TO THE TERMS OF INTERNATIONAL COMMERCIAL AGREEMENTS. SUCH
22 LEGISLATION IS NECESSARY TO ENSURE THE PRIOR INFORMED CONSENT OF THE
23 STATE WITH REGARD TO FUTURE INTERNATIONAL TRADE AND INVESTMENT AGREE-
24 MENTS.

25 S 751. ROLE OF THE LEGISLATURE IN TRADE POLICY. 1. IT SHALL BE THE
26 POLICY OF THE STATE THAT APPROVAL FOR THE STATE TO BE BOUND BY ANY TRADE
27 AGREEMENT REQUIRES THE CONSENT OF THE LEGISLATURE.

28 2. THE FOLLOWING ACTIONS ARE REQUIRED BEFORE THE STATE SHALL CONSENT
29 TO THE TERMS OF A TRADE AGREEMENT:

30 A. WHEN A REQUEST HAS BEEN RECEIVED, THE GOVERNOR, THE TEMPORARY PRES-
31 IDENT OF THE SENATE OR THE SPEAKER OF THE ASSEMBLY MAY SUBMIT TO THE
32 LEGISLATURE, ON A DAY ON WHICH BOTH HOUSES ARE IN SESSION, A COPY OF THE
33 FINAL LEGAL TEXT OF THE AGREEMENT, TOGETHER WITH:

34 I. A REPORT BY THE LABOR AND TRADE ENFORCEMENT TASK FORCE WHICH SHALL
35 INCLUDE AN ANALYSIS OF HOW THE AGREEMENT OF THE STATE TO THE SPECIFIC
36 PROVISIONS OF THE AGREEMENT SHALL CHANGE OR AFFECT EXISTING STATE LAW;

37 II. A STATEMENT OF ANY ADMINISTRATIVE ACTION PROPOSED TO IMPLEMENT
38 THESE TRADE AGREEMENT PROVISIONS IN THE STATE; AND

39 III. A DRAFT OF LEGISLATION AUTHORIZING THE STATE TO SIGN ON TO THE
40 SPECIFIC LISTED PROVISIONS OF THE AGREEMENT IN QUESTION.

41 B. A PUBLIC HEARING TO BE CONDUCTED BY THE CHAIRPERSONS OF THE SENATE
42 AND ASSEMBLY LABOR COMMITTEES, WITH ADEQUATE PUBLIC NOTICE, SHALL OCCUR
43 BEFORE THE LEGISLATURE VOTES ON THE LEGISLATION; AND

44 C. THE LEGISLATION AUTHORIZING THE STATE TO SIGN ON TO SPECIFIC LISTED
45 PROVISIONS OF AN AGREEMENT IS ENACTED INTO LAW.

46 3. THE ATTORNEY GENERAL SHALL NOTIFY THE USTR OF THE POLICIES ESTAB-
47 LISHED IN THIS ARTICLE IN WRITING NO LATER THAN DECEMBER THIRTY-FIRST
48 AND SHALL PROVIDE COPIES OF SUCH NOTICE TO THE TEMPORARY PRESIDENT OF
49 THE SENATE, SPEAKER OF THE ASSEMBLY, THE GOVERNOR AND THE STATE'S
50 CONGRESSIONAL DELEGATION.

51 S 752. LABOR AND TRADE ENFORCEMENT TASK FORCE. 1. THERE SHALL BE
52 WITHIN THE DEPARTMENT THE LABOR AND TRADE ENFORCEMENT TASK FORCE.

53 2. THE LABOR AND TRADE ENFORCEMENT TASK FORCE IS DIRECTED TO:

54 A. MONITOR TRADE NEGOTIATIONS AND DISPUTES IMPACTING THE STATE ECONO-
55 MY;

1 B. ANALYZE PENDING TRADE AGREEMENTS THE STATE IS CONSIDERING SIGNING
2 AND PROVIDE THE ANALYSIS TO THE GOVERNOR, THE LEGISLATURE AND THE
3 PUBLIC;

4 C. PROVIDE TECHNICAL ASSISTANCE TO WORKERS AND FIRMS IMPACTED BY
5 UNFAIR TRADE PRACTICES;

6 D. PROVIDE A TRADE IMPACT REPORT TO THE GOVERNOR, THE TEMPORARY PRESI-
7 DENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE PUBLIC NO LATER
8 THAN MARCH THIRTY-FIRST, TWO THOUSAND TEN AND ANNUALLY THEREAFTER;

9 E. PROVIDE ADDITIONAL RESEARCH AND ANALYSIS AS REQUESTED BY THE GOVER-
10 NOR AND THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
11 ASSEMBLY;

12 F. SERVE AS THE STATE'S OFFICIAL LIAISONS WITH THE FEDERAL GOVERNMENT
13 AND AS THE LEGISLATURE'S LIAISONS WITH THE GOVERNOR ON TRADE-RELATED
14 MATTERS;

15 G. SERVE AS THE DESIGNATED RECIPIENTS OF FEDERAL REQUESTS FOR CONSENT
16 OR CONSULTATION REGARDING INVESTMENT, PROCUREMENT, SERVICES OR OTHER
17 PROVISIONS OF INTERNATIONAL TRADE AGREEMENTS WHICH IMPINGE ON STATE LAW
18 OR REGULATORY AUTHORITY RESERVED TO THE STATE;

19 H. TRANSMIT INFORMATION REGARDING FEDERAL REQUESTS FOR CONSENT TO THE
20 OFFICE OF THE GOVERNOR, THE ATTORNEY GENERAL AND THE CHAIRPERSONS OF THE
21 SENATE AND ASSEMBLY LABOR COMMITTEES;

22 I. ISSUE A FORMAL REQUEST TO OTHER APPROPRIATE STATE AGENCIES TO
23 PROVIDE ANALYSIS OF ALL PROPOSED TRADE AGREEMENTS' IMPACT ON LEGISLATIVE
24 AUTHORITY AND THE ECONOMY OF THE STATE;

25 J. INFORM ALL MEMBERS OF THE LEGISLATURE ON A REGULAR BASIS ABOUT
26 ONGOING TRADE NEGOTIATIONS AND DISPUTE SETTLEMENT PROCEEDINGS WITH
27 IMPLICATIONS FOR THE STATE MORE GENERALLY;

28 K. COMMUNICATE THE INTERESTS AND CONCERNS OF THE LEGISLATURE TO THE
29 USTR REGARDING ONGOING AND PROPOSED TRADE NEGOTIATIONS; AND

30 L. NOTIFY THE USTR OF THE OUTCOME OF ANY LEGISLATIVE ACTION.

31 3. EACH ANNUAL TRADE IMPACT REPORT REQUIRED BY THIS SECTION SHALL
32 INCLUDE:

33 A. AN AUDIT OF THE AMOUNT OF PUBLIC CONTRACT WORK BEING PERFORMED
34 OVERSEAS;

35 B. AN AUDIT OF GOVERNMENT GOODS BEING PROCURED FROM OVERSEAS;

36 C. A STUDY OF TRADE'S IMPACTS ON STATE AND LOCAL EMPLOYMENT LEVELS,
37 TAX REVENUES AND RETRAINING AND ADJUSTMENT COSTS;

38 D. AN ANALYSIS OF THE CONSTRAINTS TRADE RULES PLACE ON STATE REGULATO-
39 RY AUTHORITY, INCLUDING BUT NOT LIMITED TO THE STATE'S ABILITY TO
40 PRESERVE THE ENVIRONMENT, PROTECT PUBLIC HEALTH AND SAFETY, AND PROVIDE
41 HIGH-QUALITY PUBLIC SERVICES; AND

42 E. FINDINGS AND RECOMMENDATIONS OF SPECIFIC ACTIONS THE STATE SHOULD
43 TAKE IN RESPONSE TO THE IMPACTS OF TRADE ON THE STATE IDENTIFIED IN THIS
44 SECTION.

45 4. SUCH ACTIONS MAY INCLUDE, BUT SHALL NOT BE LIMITED TO:

46 A. REVOCATION OF THE STATE'S CONSENT TO BE BOUND BY THE PROCUREMENT
47 RULES OF INTERNATIONAL TRADE AGREEMENTS;

48 B. PROHIBITION OF OFFSHORE PERFORMANCE OF STATE CONTRACT WORK AND
49 PREFERENCES FOR DOMESTIC CONTENT IN STATE PURCHASING;

50 C. STATE SUPPORT FOR CASES BROUGHT UNDER FEDERAL TRADE LAWS BY RESI-
51 DENTS OF THE STATE;

52 D. STATE ADVOCACY FOR REFORM OF TRADE AGREEMENTS AND TRADE LAWS AT THE
53 FEDERAL LEVEL; AND

54 E. IMPLEMENTATION OF A HIGH-ROAD GROWTH STRATEGY FORMULATED WITH BUSI-
55 NESS, LABOR AND COMMUNITY PARTICIPATION.

56 5. SUCH A STRATEGY MAY INCLUDE, BUT NOT BE LIMITED TO:

1 A. MORE EFFECTIVE EARLY WARNING AND LAYOFF AVERSION MEASURES;
2 B. INCREASED ASSISTANCE AND ADJUSTMENT PROGRAMS FOR DISPLACED WORKERS
3 AND TRADE-IMPACTED COMMUNITIES;
4 C. STRONGER STANDARDS AND ACCOUNTABILITY FOR RECIPIENTS OF STATE
5 SUBSIDIES AND INCENTIVES;
6 D. INVESTMENTS IN WORKFORCE TRAINING AND DEVELOPMENT;
7 E. INVESTMENTS IN TECHNOLOGY AND INFRASTRUCTURE; AND
8 F. INCREASED ACCESS TO CAPITAL FOR LOCAL PRODUCERS.
9 6. WITHIN THIRTY DAYS OF RECEIPT OF THE ANNUAL TRADE IMPACT REPORT:
10 A. THE GOVERNOR SHALL REVIEW THE REPORT AND ISSUE A PUBLIC STATEMENT
11 EXPLAINING WHICH OF THE REPORT'S RECOMMENDATIONS FOR SPECIFIC ACTION THE
12 GOVERNOR WILL ACT UPON IN THE NEXT THIRTY DAYS, WHETHER THROUGH EXECU-
13 TIVE ACTION OR PROPOSED LEGISLATION; AND
14 B. THE LEGISLATURE SHALL REVIEW THE REPORT, HOLD PUBLIC HEARINGS ON
15 THE REPORT'S RECOMMENDATIONS FOR SPECIFIC ACTION AND INTRODUCE LEGIS-
16 LATION TO ENACT THOSE RECOMMENDATIONS ACCEPTED BY THE LEGISLATURE.
17 7. A. THE LABOR AND TRADE ENFORCEMENT TASK FORCE SHALL CONSIST OF
18 FIFTEEN MEMBERS, ACTING BY A MAJORITY THEREOF, AND COMPOSED OF THE
19 FOLLOWING: THE COMMISSIONER OF LABOR, FOUR MEMBERS APPOINTED BY THE
20 GOVERNOR; THREE MEMBERS APPOINTED BY THE GOVERNOR UPON THE RECOMMENDA-
21 TION OF THE TEMPORARY PRESIDENT OF THE SENATE; THREE MEMBERS APPOINTED
22 BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY;
23 TWO MEMBERS APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE NEW
24 YORK STATE AMERICAN FEDERATION OF LABOR-CONGRESS OF INDUSTRIAL ORGANIZA-
25 TIONS; AND TWO MEMBERS APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION
26 OF THE BUSINESS COUNCIL.
27 B. THE TASK FORCE SHALL:
28 I. ASSESS THE LEGAL AND ECONOMIC IMPACTS OF TRADE AGREEMENTS;
29 II. PROVIDE INPUT ON THE ANNUAL TRADE IMPACT REPORT;
30 III. HOLD PUBLIC HEARINGS ON THE IMPACT OF TRADE ON THE STATE AND
31 COMMUNITIES, AS WELL AS THE IMPACT OF THE ANNUAL TRADE IMPACT REPORT ON
32 THE STATE; AND
33 IV. MAKE POLICY RECOMMENDATIONS TO THE GOVERNOR, LEGISLATURE, THE
34 STATE'S CONGRESSIONAL DELEGATION AND U.S. TRADE NEGOTIATORS.
35 C. THE TASK FORCE SHALL CONVENE QUARTERLY.
36 D. THE TASK FORCE SHALL APPOINT A CHAIRPERSON FROM AMONG ITS MEMBERS.
37 E. THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR
38 THEIR SERVICE BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
39 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.
40 S 3. This act shall take effect on the one hundred twentieth day after
41 it shall have become a law; provided, however, that effective immediate-
42 ly, the addition, amendment and/or repeal of any rule or regulation
43 necessary for the implementation of this act on its effective date is
44 authorized and directed to be made and completed on or before such
45 effective date.