

House File 436 - Introduced

HOUSE FILE 436

BY ISENHART

A BILL FOR

1 An Act creating a citizen trade policy council, establishing
2 powers and duties for the council, creating a citizen trade
3 policy council fund, and making an appropriation.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 15K.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Authority*" means the economic development authority
5 created in section 15.105.

6 2. "*Council*" means the citizen trade policy council created
7 in section 15K.2.

8 3. "*Fund*" means the citizen trade policy council fund
9 created in section 15K.5.

10 4. "*Trade agreement*" means an agreement reached between
11 the United States and any other country, countries, or other
12 international political entity or entities that proposes to
13 regulate trade among the parties to the agreement. "*Trade*
14 *agreement*" includes but is not limited to any agreement under
15 the auspices of the world trade organization, a multilateral
16 or regional free trade agreement, a bilateral trade agreement
17 entered into by the United States, and a request for a binding
18 agreement received by the state from the office of the United
19 States trade representative.

20 Sec. 2. NEW SECTION. 15K.2 Citizen trade policy council.

21 A citizen trade policy council is created to assess and
22 monitor the legal and economic impacts of trade agreements on
23 state laws and local ordinances, working conditions, and the
24 business environment, and to provide a mechanism for citizens
25 and members of the general assembly to voice their concerns and
26 recommendations relating to the council's powers and duties.
27 The council may make recommendations designed to protect Iowa's
28 laws, jobs, natural resources, communities, and economy from
29 any negative impact of trade agreements or to enhance the
30 benefits of such trade agreements.

31 Sec. 3. NEW SECTION. 15K.3 Membership — terms — vacancies
32 — limits — appropriation.

33 1. The council shall consist of nineteen voting members and
34 nine ex officio, nonvoting members. The voting members shall
35 be as follows:

- 1 *a.* Ten public members, appointed by the governor, subject to
2 confirmation by the senate, including:
- 3 (1) A person who operates a small business.
4 (2) A person who operates a small farm.
5 (3) A representative of a nonprofit organization that
6 promotes fair trade policies.
7 (4) A representative of an Iowa-based corporation that is
8 active in international trade.
9 (5) A health care professional.
10 (6) A representative of an Iowa-based manufacturing
11 business with twenty-five or more employees.
12 (7) A representative of an economic development
13 organization.
14 (8) A person who is active in organized labor.
15 (9) A member of a nonprofit human rights organization.
16 (10) A member of a nonprofit environmental organization.
17 *b.* Two public members appointed by the speaker of the house
18 of representatives.
19 *c.* Two public members appointed by the minority leader of
20 the house of representatives.
21 *d.* Two public members appointed by the majority leader of
22 the senate.
23 *e.* Two public members appointed by the minority leader of
24 the senate.
25 *f.* The attorney general or the attorney general's designee.
26 2. The ex officio, nonvoting members shall be the following:
27 *a.* The director of the authority, or the director's
28 designee.
29 *b.* The director of the department of workforce development,
30 or the director's designee.
31 *c.* The director of the department of natural resources, or
32 the director's designee.
33 *d.* The secretary of agriculture, or the secretary's
34 designee.
35 *e.* The director of human services, or the director's

1 designee.

2 *f.* Four members of the general assembly, one of whom shall
3 be appointed by the speaker of the house of representatives,
4 one of whom shall be appointed by the minority leader of the
5 house of representatives, one of whom shall be appointed by
6 the majority leader of the senate, and one of whom shall be
7 appointed by the minority leader of the senate.

8 3. The governor, the majority leader of the senate, and the
9 speaker of the house of representatives shall each designate
10 one of the public members appointed by them to the council to
11 jointly serve as co-chairpersons. The council may appoint
12 other officers and committees as necessary.

13 4. In appointing members of the public, the appointing
14 authorities shall make every effort to appoint representatives
15 of generally recognized and organized constituencies of
16 interest groups. In appointing members of the public, the
17 governor, the majority and minority leaders of the senate, and
18 the speaker and minority leader of the house of representatives
19 shall comply with sections 69.16 and 69.16A.

20 5. For the purposes of convening a meeting, eleven
21 voting members shall constitute a quorum, but for any other
22 purpose a majority of the voting members of the council shall
23 constitute a quorum, and a majority of a quorum may act in any
24 matter within the jurisdiction of the council, unless a more
25 restrictive rule is adopted by the council.

26 6. Except for ex officio, nonvoting members and the
27 attorney general who shall serve terms coincident with their
28 elective or appointed office, all other voting members shall be
29 appointed for three-year staggered terms. A vacancy shall be
30 filled by the same appointing authority that made the original
31 appointment. Appointed members shall not serve more than two
32 terms, however, members may continue to serve until their
33 successors are appointed.

34 7. An ex officio member of the council who is a member
35 of the general assembly shall be paid the per diem specified

1 in section 2.10, subsection 5, for each day in attendance
2 and shall be reimbursed for actual and necessary expenses.
3 Public members shall serve without compensation, but shall be
4 reimbursed for all actual and necessary expenses they incur
5 through service on the council.

6 8. The general assembly, through the legislative council,
7 shall contract for staff support for the citizen trade
8 policy council, which, to the extent funding permits, must be
9 full-time staff support. In the event funding does not permit
10 adequate staff support, the citizen trade policy council may
11 request staff support from the legislative services agency and
12 the authority.

13 9. Commencing with the fiscal year beginning July 1, 2019,
14 and every second fiscal year thereafter, there is appropriated
15 from the general fund of the state to the council ten thousand
16 dollars for the production of reports required under section
17 15K.4.

18 Sec. 4. NEW SECTION. 15K.4 Powers and duties.

19 1. The council shall do all of the following:

20 a. Meet at least twice annually.

21 b. Hear public testimony and recommendations from the
22 citizens of the state and qualified experts when appropriate
23 at no fewer than two locations throughout the state each year
24 on the actual and potential social, environmental, economic,
25 legal, and other impacts of international trade agreements and
26 negotiations on the state.

27 c. Every two years conduct an assessment of the impacts of
28 international trade agreements on Iowa's state laws, political
29 subdivision ordinances, working conditions, and economic,
30 environmental, and natural resources.

31 d. Maintain active communications with and submit an annual
32 report to the governor, the general assembly, the attorney
33 general, members of Iowa's congressional delegation, the Iowa
34 state association of counties, the Iowa league of cities, the
35 United States trade representative's office, the national

1 conference of state legislatures, and the national association
2 of attorneys general or the successor organization of any
3 of these groups. The council shall make the report easily
4 accessible to the public on the general assembly's internet
5 site. The report must contain information acquired pursuant
6 to council activities under paragraph "b" and may contain
7 information acquired pursuant to activities under paragraph
8 "c".

9 e. Review and analyze trade agreements, and submit reports
10 as required pursuant to section 15K.6.

11 f. By December 31, 2024, the council shall conduct an
12 evaluation of its activities and recommend to the general
13 assembly whether to continue, alter, or cease the council's
14 activities.

15 2. The council may do all of the following:

16 a. Maintain active communications with any entity the
17 council determines appropriate regarding ongoing developments
18 in international trade agreements and policy.

19 b. Recommend or submit legislation to the general assembly.

20 c. Recommend that the state support, or withhold its support
21 from, proposed trade negotiations or agreements.

22 d. Examine any aspects of international trade, international
23 economic integration, and trade agreements that the members of
24 the council consider appropriate.

25 Sec. 5. NEW SECTION. 15K.5 Citizen trade policy council
26 fund.

27 1. A citizen trade policy council fund is created in the
28 office of the treasurer of state under the control of the
29 council for the purpose of receiving moneys appropriated by the
30 general assembly and any other moneys available to the council
31 under subsection 2. The moneys in the fund are appropriated
32 to the council for the purposes of the council. Moneys in
33 the fund shall not be subject to appropriation for any other
34 purpose by the general assembly, but shall be used only for
35 the purposes of the council. The treasurer of state shall

1 act as custodian of the fund and disburse moneys contained in
2 the fund as directed by the council. The council shall make
3 expenditures from the fund consistent with the purposes of the
4 council.

5 2. The council may solicit and accept moneys to fulfill its
6 duties and deposit the moneys in the fund. The council shall
7 annually notify the legislative council of any solicitation
8 and acceptance of moneys under this subsection. All moneys
9 accepted under this subsection shall be forwarded to the
10 treasurer of state, along with an accounting that includes the
11 amount received, the date that amount was received, from whom
12 that amount was received, the purpose of the donation, and any
13 limitation on use of the moneys.

14 3. At the beginning of each fiscal year, and at any other
15 time at the request of co-chairpersons of the council, the
16 treasurer of state shall provide to the council an accounting
17 of all moneys available to the council, including moneys
18 available for staff support.

19 4. Moneys in the fund are not subject to section 8.33.
20 Notwithstanding section 12C.7, subsection 2, interest or
21 earnings on moneys in the fund shall be credited to the fund.

22 Sec. 6. NEW SECTION. 15K.6 Trade agreements.

23 1. If the United States government provides the state with
24 the opportunity to consent to or to reject binding the state
25 to a trade agreement, or a designated provision within a trade
26 agreement, an official of the state, including but not limited
27 to the governor, shall not give consent to the United States
28 government to bind the state to the trade agreement, except as
29 provided in this section.

30 2. When a communication from the United States trade
31 representative concerning a trade agreement is received by the
32 state, the governor shall transmit a copy of the communication
33 and the trade agreement, or relevant provisions of the trade
34 agreement, to the co-chairpersons of the council, the president
35 of the senate, the speaker of the house of representatives, and

1 the chairpersons and ranking members of the general assembly's
2 standing committees on economic growth.

3 3. The council, in consultation with the authority, the
4 attorney general, and the faculty of the international and
5 comparative law program at the college of law at the university
6 of Iowa, shall, immediately upon receipt, review and analyze
7 the trade agreement and submit a report to the general assembly
8 and the governor on the potential impact on the state of
9 consenting or rejecting to be bound by the trade agreement.
10 The council shall make a recommendation to the general assembly
11 regarding whether to consent to or reject binding the state to
12 the agreement.

13 4. An official of the state, including but not limited to
14 the governor, shall not consent to bind the state to the terms
15 or provisions of a trade agreement unless the general assembly
16 has passed a joint resolution authorizing the governor or
17 other official to give consent to bind the state to the trade
18 agreement or to a provision designated by the United States
19 government within the trade agreement.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill creates a citizen trade policy council (council),
24 establishes powers and duties for the council, creates
25 a citizen trade policy council fund (fund), and makes an
26 appropriation.

27 The bill creates the council, consisting of 19 voting
28 members and nine ex officio, nonvoting members, to assess and
29 monitor the legal and economic impacts of trade agreements on
30 state laws and local ordinances, working conditions, and the
31 state's natural resources, communities, and economy, and to
32 provide a mechanism for citizens and members of the general
33 assembly to voice their concerns and recommendations. The bill
34 makes provisions for what constitutes a quorum of the council
35 and for the compensation and terms of members.

1 Under the bill, the governor, the majority leader of the
2 senate, and the speaker of the house of representatives are
3 each required to designate one of the public members to jointly
4 serve as co-chairpersons. The council may appoint other
5 officers and committees as necessary. The bill provides the
6 council with a standing appropriation of \$10,000, every other
7 fiscal year, for the production of reports.

8 Under the bill, the council is required to meet at least
9 twice annually and to hear public testimony and recommendations
10 at no fewer than two locations throughout the state each year.
11 The council is also required to conduct an assessment of the
12 impacts of international trade agreements on Iowa's state
13 laws, political subdivision ordinances, working conditions,
14 and economic, environmental, and natural resources once every
15 two years. The bill requires the council to submit annual
16 reports to the governor, the general assembly, the attorney
17 general, members of Iowa's congressional delegation, the Iowa
18 state association of counties, the Iowa league of cities, the
19 United States trade representative's office, the national
20 conference of state legislatures, and the national association
21 of attorneys general. The bill also requires the council to
22 conduct an evaluation of its activities and recommend to the
23 general assembly, by December 31, 2024, whether to continue,
24 alter, or cease the council's activities.

25 The bill allows the council to maintain communications
26 with any entity the council determines appropriate, recommend
27 or submit legislation to the general assembly, and recommend
28 that the state support, or withhold support from, future trade
29 negotiations or agreements.

30 The bill creates a fund in the office of the treasurer
31 of state under the control of the council to receive moneys
32 appropriated by the general assembly and from any other source.
33 The council is required to annually notify the legislative
34 council of any solicitation or acceptance of moneys from
35 outside sources.

1 The bill provides that an official of the state, including
2 the governor, is not able to give consent to bind the state to
3 the terms or provisions of a trade agreement unless the general
4 assembly has passed a joint resolution authorizing such.

5 The governor is required to transmit a copy of a trade
6 agreement to the co-chairpersons of the council, the president
7 of the senate, the speaker of the house of representatives, and
8 the chairpersons and ranking members of the general assembly's
9 standing committees on economic growth.

10 The bill requires that the council, in consultation with
11 the authority, the attorney general, and the faculty of the
12 international and comparative law program at the college of law
13 at the university of Iowa, to review and submit a report on
14 such to the general assembly and the governor.