

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

MEMORANDUM

**TO: COMMERCE, INSURANCE, AND ECONOMIC DEVELOPMENT TASK FORCE MEMBERS**  
**FROM: MICHAEL HOUGH, TASK FORCE DIRECTOR**  
**DATE: OCTOBER 28, 2010**  
**RE: 35 DAY MAILING—2010 STATES AND NATION POLICY SUMMIT**

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The American Legislative Exchange Council will host its 2010 States and Nation Policy Summit **December 1 – 3** at the **Grand Hyatt Washington Hotel in Washington D.C.** The last day to reserve hotel accommodations at the ALEC rate is **Thursday, November 4<sup>th</sup>**. The full Commerce, Insurance, and Economic Development Task Force will meet from **2:30 pm to 5:30 pm** on **Friday, December 3 in Independence GHI**. The Task Force will meet to discuss model legislation on the Devolution of State Highway Systems, Hurricane Mitigation, and an Interstate Insurance Compact. We will also have a roll-out of the Task Force's new Subcommittees, as well as a panel on Franchising.

**Please find the following materials enclosed:**

- SNPS Agenda-at-a-Glance
- Task Force Meeting Tentative Agenda
- 2010 Annual Meeting Minutes
- Draft Model Legislation
- Task Force Roster
- Registration Forms
- ALEC Mission Statement
- Scholarship Policies by Meeting
- ALEC Task Force Operating Procedures

I look forward to seeing all of you in Washington D.C.! If you have any questions or comments regarding the meeting, please contact me at 202-742-8530 or by e-mail at [mhough@alec.org](mailto:mhough@alec.org).

Cordially,



Michael Hough  
Commerce, Insurance, and Economic Development Task Force Director

## 2010 States & Nation Policy Summit Agenda\*

Tuesday, November 30th		
Joint Board of Directors Meetings	8:00 a.m. - 5:30 p.m.	Farragut/Lafayette
Registration	12:00 p.m. - 5:00 p.m.	Independence Foyer
ALEC Joint Board Reception and Dinner	6:30 p.m. - 9:30 p.m.	Off-site
Wednesday, December 1st		
Registration	7:30 a.m. - 5:00 p.m.	Independence Foyer
Task Force Subcommittee Meetings	8:00 a.m. - 11:45 a.m.	
Exhibit Hall	9:00 a.m. - 3:00 p.m.	Independence Foyer
State Chairs Meeting	9:00 a.m. - 11:45 a.m.	Willson/Roosevelt
New Legislator Orientation	10:30 a.m. - 11:30 a.m.	Franklin Square
<b>Opening Plenary Luncheon</b>	<b>12:00 p.m. - 2:00 p.m.</b>	Independence A
Task Force Chairs Meeting	2:15 p.m. - 3:15 p.m.	Franklin Square
Workshop I: Comparative Effectiveness Research: Rationing Care or Improving Quality?	2:15 p.m. - 3:30 p.m.	Farragut/Lafayette
Workshop II: Higher Education	3:45 p.m. - 5:00 p.m.	Farragut/Lafayette
National Chairman's Reception, <i>by invitation only</i>	5:30 p.m. - 6:30 p.m.	Independence IH
Hospitality Suite	9:00 p.m. - 11:00 p.m.	Congressional Parlor
Thursday, December 2nd		
Registration	7:30 a.m. - 5:00 p.m.	Independence Foyer
<b>Plenary Breakfast</b>	<b>8:00 a.m. - 9:15 a.m.</b>	Independence A
Exhibit Hall	9:00 a.m. - 3:00 p.m.	Independence Foyer
Workshop III: Show Me the Money: Budget Transparency in the States	9:30 a.m. - 10:45 a.m.	Farragut Square
Workshop IV: Delivering Justice to Rape Victims while Minimizing Taxpayer Cost	9:30 a.m. - 10:45 a.m.	Lafayette Park
Workshop V: Cutting Crime and Budgets: The National Movement	11:00 a.m. - 12:15 p.m.	Farragut Square
Workshop VI: EPA's Regulatory Assault: Higher Prices, Fewer Jobs, and Less Energy	11:00 a.m. - 12:15 p.m.	Lafayette Park
<b>Plenary Luncheon</b>	<b>12:30 p.m. - 2:15 p.m.</b>	Independence A
Task Force Meetings	2:30 p.m. - 5:30 p.m.	
<ul style="list-style-type: none"> <li>• Energy, Environment, and Agriculture</li> <li>• Health and Human Services</li> <li>• Public Safety and Elections</li> <li>• Tax and Fiscal Policy</li> </ul>		Farragut/Lafayette  Independence CDE Independence FG Independence IH
Gala Holiday Reception	6:00 p.m. - 8:00 p.m.	Constitution AB
Hospitality Suite	9:00 p.m. - 11:00 p.m.	Congressional Parlor

<b>Friday, December 3rd</b>		
Registration	7:30 a.m. - 2:00 p.m.	Independence Foyer
<b>Plenary Breakfast</b>	<b>8:00 a.m. - 9:15 a.m.</b>	Independence A
Exhibit Hall	9:00 a.m. - 3:00 p.m.	Independence Foyer
Workshop VII: Federalism I	9:30 a.m. - 10:45 a.m.	Farragut Square
Workshop VIII: Overcriminalization	9:30 a.m. - 10:45 a.m.	Lafayette Park
Workshop IX: A Tax in Sheep's Clothing: How Extended Producer Responsibility Mandates Can Hurt Consumers and Business	11:00 a.m. - 12:15 p.m.	Farragut Square
Workshop X: Federalism II	11:00 a.m. - 12:15 p.m.	Lafayette Park
<b>Plenary Luncheon</b>	<b>12:30 p.m. - 2:15 p.m.</b>	Independence A
Task Force Meetings	2:30 p.m. - 5:30 p.m.	
• Civil Justice		Farragut/Lafayette
• Commerce, Insurance and Economic Development		Independence GHI
• Education		Independence CDE
• Telecommunications and Information Technology		Constitution A
• International Relations		Constitution B
Louisiana Preview Reception for 2011 Annual Meeting	5:30 p.m. - 6:30 p.m.	Franklin Square
State Delegation Night	Beginning at 6:30 p.m.	See Your State Chair

\* Agenda subject to change.



COMMON SENSE  
Holding Power Accountable

# ALEC

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Commerce, Insurance & Economic Development Task Force  
2010 States and Nation Policy Summit  
Friday, December 3, 2010  
2:30 pm – 5:30 pm  
Independence GHI

## Tentative Agenda

### 1. Call to Order

2:30 PM

Introductions

Approval of Minutes

Introduction of New Members

### 2. Model Legislation and Presentations

**UPDATE: Subcommittee Roll Out (20)**

2:50 PM

Mr. Michael Hough, *Task Force Director*

**PANEL: Franchising 101**

3:10 PM

*Panelists to be announced (20)*

**MODEL LEGISLATION**

3:30 PM

**“The Devolution of State Highway Systems Study Act”**

Rep. Glenn Vaad, *CO*

**“The Hurricane Mitigation Promotion Act”**

Mr. Alan Smith, *The Heartland Institute*

**“Insurance Compact Enabling Act”**

Dr. Byron Schlomach and Mr. Nick Dranias, *Goldwater Institute*

3. For the Good of the Order

5:20 PM

4. Adjournment

5:30 PM

**American Legislative Exchange Council**  
Commerce, Insurance, and Economic Development Task Force  
Annual Meeting  
August 6, 2010

**Attendees:**

**Public Sector** (28)

Asm. Joel Anderson, *California*  
Sen. Don Benton, *Washington*  
Rep. Woody Burton, *Indiana*  
Rep. Gary Chism, *Mississippi*  
Rep. John Cosgrove, *Virginia*  
Rep. Becky Currie, *Mississippi*  
Rep. Gary Daniels, *New Hampshire*  
Rep. Mark Formby, *Mississippi*  
Rep. Brian Gosch, *South Dakota*  
Rep. DebraLee Hovey, *Connecticut*  
Rep. Peter Illoway, *Wyoming*  
Del. Riley Ingram, *Virginia*  
Rep. Charles E. Martin, *Georgia*  
Rep. John McComish, *Arizona*  
Sen. Walter Michel, *Mississippi*  
Rep. Seth Morgan, *Ohio*  
Rep. Michael Morley, *Utah*  
Sen. Dennis Nolan, *Nevada*  
Rep. Roy Charles Ragland, *Arkansas*  
Sen. Scott Renfroe, *Colorado*  
Rep. Terry Rice, *Arkansas*  
Sen. Richard Rosen, *Maine*  
Rep. Charles Michael Sargent, *Tennessee*  
Rep. Barbara Sears, *Ohio*  
Sen. William Sharer, *New Mexico*  
Rep. John Smithee, *Texas*  
Rep. Fred Steen, *North Carolina*  
Rep. Glenn Vaad, *Colorado*

**Private Sector** (25)

Derek L. Crawford, *Kraft Foods, Inc.* (Private Sector Chair)  
Eli Lehrer, *The Heartland Institute* (Task Force Advisor)  
Adrian Moore, *Reason Foundation* (Task Force Advisor)  
Emily Burk (stand-in for Mark Gorman), *Distilled Spirits Council of the US*  
Jon Burton, *Reed Elsevier*  
David Christman, *National Beer Wholesalers Association*  
James Clark, *American Bankers Association*  
Sean Collins, *Altria*

Matthew Glans, *The Heartland Institute*  
Eric Goldberg, *American Insurance Association*  
Dawson Hobbs, *Wine and Spirits Wholesalers of America*  
Mike Komaschka, *Reynolds American Inc.*  
Matthew Lathrop, *YUM! Brands, Inc.*  
Kevin Lundy, *YUM! Brands, Inc.*  
Tommy Moore, *Community Financial Services Association*  
Charles Pecchio, *VeriSol*  
Paul Russinoff, *VISA*  
Geoffrey Segal, *Macquarie Capital USA*  
Ted Scott, *American Trucking Association*  
Patrick Thomas, *UPS*  
Joann Waiters, *ACLI*  
Emory Wilkerson, *State Farm Insurance Companies*  
Joe Woods, *Property Casualty Insurers*  
Steve Woods, *NFIB*  
Mike Yadon, *FedEx*

**Guests** (25)

Eldon Andrus, *Exxon Mobil Corp.*  
Toni Bellissimo, *National Card Coalition*  
John Berlau, *Competitive Enterprise Institute*  
Rep. Buzz Brockway, *Georgia*  
Sen. Buck Clarke, *Mississippi*  
Nathan Cook, *US Oncology*  
Kent Eckles, *Kansas Chamber of Commerce*  
Trent England, *Evergreen Freedom Foundation*  
Troy Flanagan, *International Franchise Association*  
Rep. Mike Harmon, *Kentucky*  
Ben Jones, *US Oncology*  
Durwood Laughinghouse, *Norfolk Southern Corporation*  
Rep. Larry Liston, *Colorado*  
Del. Harvey Morgan, *Virginia*  
Rep. Dennis Moss, *South Carolina*  
Rep. Val Rausch, *South Dakota*  
Janet Roder, *Florida Legislative Staff*  
Al Sage, *MS Bail Agents Association*  
Rose Sager, *Kingdom of Bahrain*  
Laurie Smalling, *Wal-Mart*  
Rep. James Strickler, *New Mexico*  
Kate Viar, *VISA*  
JP Wieske, *Council for Affordable Health Insurance*  
Bruce Wingo, *Norfolk Southern Corp*  
Josh Young, *American Chemistry Council, Inc.*

**Staff** (3)

Michael Hough, Task Force Director  
Courtney O'Brien, Legislative Assistant  
Toby Kearns, Intern

## I. Preliminaries

The task force introduced the agenda, introduced new members, and approved the minutes of the April meeting. Senator Dennis Nolan stepped in as Public-Sector Chair in Representative Susan Lynn's absence.

## II. Subcommittee Reports

### 1. Transportation Subcommittee

The subcommittee met on August 5, 2010 and passed: *Traffic Incident Management Quick Clearance Act* and *The Share the Road Safety Act*.

## III. Presentations

1. Presentation "Will Congress Pass Major Legislation in the Lame Duck Session?" – Mr. John Fund, *Wall Street Journal*

## IV. Consideration of Model Legislation

### 1. "Traffic Incident Quick Clearance Act" – by Ted Scott, *American Trucking Association*

This act establishes the duties of drivers when approaching traffic incidents, the expedited removal of vehicles from an incident, the liability protection for authorized clearance functions, and compensation for incident removal costs.

Amendments in order of introduction:

- 1) Line 89, Section 5.A: insert "reasonable" before "cost"
- 2) Line 90, Section 5.A: insert "reasonable" before "compensation"
- 3) Line 89, Section 5.A: strike "removing" and add the phrase, "an authorized or permissive removal of"
- 4) Line 90, Section 5.A: strike "unqualified" before "right to"
- 5) Line 91, Section 5.A: after the phrase "from the owner (or owners)" add the phrase "or permissive use operator"
- 6) Line 91, Section 5.A: insert "registered" before the phrase "owner (or owners) of"
- 7) Line 44, Section 3.C: after the phrase "move the vehicle" add the phrase "in a manner so as not to substantially alter or adversely impact evidence related to the incident"
- 8) Line 49, Section 3.D: after the phrase "law enforcement agency" add the phrase "in a manner so as not to alter"

substantially or adversely impact evidence related to the incident”

- 9) Line 43, Section 3.C: strike “and” after “movable” and replace with a comma
- 10) Line 44, Section 3.C: strike “shall” and replace with “may”

Motion to pass Amendments (7) and (8); failed public sector, passed private sector. Amendments fail.

Motion to adopt the model legislation as amended (Amendments 1-6 and 9-10); passed public sector, passed private sector. **Bill Passed.**

2. “The Share the Road Safety Act” – by Ted Scott, *American Trucking Association*

This act provides increased safety instruction of young driver education programs by raising the awareness of all motor vehicle drivers on how to share the road/highway with large trucks. This legislation requires the inclusion of a section on awareness and safe interaction with commercial motor vehicle traffic in public school, private school, and commercial driver training schools. Classroom instruction and behind-the-wheel training must include, but is not limited to: truck stopping distances, proper distances for following trucks, identification of truck blind spots, and avoidance of driving in truck blind spots.

Amendments in order of introduction:

- 1) Remove (B) and (C) from Section 3 and insert at the end of Section 2 as (G) and (H) respectively
- 2) Line 8, Section 3.A: strike “must” and replace with “shall”

Motion to adopt the model legislation as amended; passed the public sector with one dissenting vote; passed the private sector unanimously. **Bill Passed.**

3. “A Resolution Concerning Tax Treatment of Affiliated Reinsurance” – by Alan Smith, *The Heartland Institute*

The Resolution lays out the importance of offshore affiliated reinsurance in risk-spreading and management throughout the insurance business. The Resolution opposes new taxes on reinsurance which would reduce its supply and raise prices for consumers and business which use primary insurance.

Motion to adopt the model resolution; passed the public sector unanimously; passed the private sector unanimously. **Resolution Passed.**

4. “Electronic Pay Choice Act” – Paul Russinoff, *VISA*

Motion to untable the model legislation; passed public sector unanimously; passed private sector unanimously. **Bill Untabled.**

Motion to amend Line 13, Section 2.ii: strike “and” and insert “or”

Motion to adopt the model legislation as amended; passed public sector with two dissenting votes; passed private sector unanimously. **Bill Passed.**

**V. For the Good of the Order**

**VI. Adjournment**



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1           **DRAFT The Devolution of State Highway Systems Study Act**

2  
3           **Summary**

4           Concerning a study of the options for devolution of state highways that are commuter  
5           highways to local governments.

6  
7           **Model Legislation**

8  
9           **{Title, enacting clause, etc.}**

10  
11           **Section 1. {Short Title.}** This act may be cited as “The Devolution of State Highway  
12           Systems Study Act.”

13  
14           **Section 2. {Devolution of commuter highways to counties and municipalities -**  
15           **required study.}**

16           (A) The Transportation [insert appropriate Commission or Department], using existing or  
17           easily obtainable data, shall conduct or direct the department of transportation to conduct  
18           a study of the state highway system for the purpose of determining which highways or  
19           portions of highways that are part of the state highway system are commuter highways.  
20           The [Commission] shall report the results of the study to the [insert appropriate  
21           Committee] of the House of Representatives and the [insert appropriate Committee] of  
22           the Senate, or any successor committees, no later than [insert date], 20[XX]. The  
23           [Commission] may include in the report recommendations as to whether all or some of  
24           the identified commuter highways should be removed from the state highway system and  
25           thereafter maintained and supervised by counties and municipalities. If the  
26           [Commission] recommends the removal of any commuter highways from the state  
27           highway system, it shall first have consulted with the affected metropolitan planning  
28           organizations in the conduct of the study, received the input of one local government  
29           elected official appointed by each of the metropolitan planning organizations in the state  
30           for the purpose of providing such input, and presented the recommendations to the boards  
31           of the affected metropolitan planning organizations for review and comment and shall  
32           also make recommendations regarding modification of the formulas used to allocate  
33           moneys in the highway users tax fund between the state, counties, and municipalities to  
34           provide the level of funding necessary to avoid any unfunded mandates created by  
35           changes in the allocation of highway maintenance and supervision responsibilities  
36           between the state, counties, and municipalities that would result from the removal. A  
37           report made pursuant to this section that includes recommendations as to whether  
38           commuter highways should be removed from the state highway system shall include a  
39           statement regarding the extent to which the elected officials appointed by the

40 metropolitan planning organizations in the state agree with the [Commission]’s  
41 recommendations.

42 **Section 3. {Definitions.}**

43 (A) For purposes of this section:

44 (1) “Commuter Highway” means a highway or a portion of a highway that:

45 (a) is part of the state highway system;

46 (b) is located within the territory of a metropolitan planning organization;

47 (c) is not an interstate highway; and

48 (d) is determined in the conduct of the study required by subsection (A) of  
49 this section to be used at least eighty percent of the time, estimated as a  
50 percentage of total trips on the highway or portion of a highway, for travel  
51 within the territory of the metropolitan planning organization.

52 (2) “Metropolitan Planning Organization” means a metropolitan planning  
53 organization under the “Federal Transit Act of 1998.”

54 **Section 4. {Severability Clause.}**

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56 **Section 5. {Repealer Clause.}**

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58 **Section 6. {Effective Date.}**

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## DRAFT The Hurricane Mitigation Promotion Act

### *Summary*

This Act creates an annual “Hurricane Mitigation Week,” in which the Governor calls on individuals, business owners, and commercial property owners to prepare for the hurricane season, and to urge county and municipal governments to help citizens prepare as well. Also, the Act creates a Special Advisory Commission on Hurricane Mitigation to evaluate and strengthen the state’s preparedness for hurricanes. Finally, the Act enacts a state sales tax exemption on portable generators and other hurricane preparedness equipment during Hurricane Mitigation Week

### *Model Legislation*

{Title, enacting clause, etc.}

**Section 1. {Designation.}** The period from May 25<sup>th</sup> to May 31<sup>st</sup> of each year is “Hurricane Mitigation Week.”

**Section 2. {Proclamation.}** The Governor is requested to issue each year, a proclamation calling on:

(A) Individuals, business owners, and commercial property owners within the state to prepare their homes, properties, and communities for the coming hurricane season.

(B) All state agencies to review and update hurricane preparedness plans.

(C) All county and municipal governments as well as the [State Department of Education, The State Department of Emergency Management, the State Department of Commerce, and the State Department of Insurance], to the extent practicable, to focus educational, outreach and other efforts oriented towards hurricane preparedness on the period between May 25<sup>th</sup> and May 31<sup>st</sup> of that year.

**Section 3. {Commission on Hurricane Mitigation.}** There is hereby created a Special Advisory Commission on Hurricane Mitigation. (the Commission.)

(A) The Commission shall consist of twelve members.

(B) The membership of the Commission shall include [the Director of Emergency Management and the Commissioner of Insurance] or their designates.

(C) Six members shall be appointed by the governor one of whom shall have experience or be knowledgeable in the field of insurance, one of whom shall have experience in or

34 be knowledgeable in the sale, marketing, or manufacture of home improvement products,  
35 one of whom shall be a builder of single family homes, one of whom shall be a builder of  
36 commercial structures, one of whom shall be the owner of a single family home in [the  
37 area of the state served by the state residual wind insurance market or FAIR plan], one of  
38 whom shall be the owner of a commercial structure in the [the area of the state served by  
39 the state residual wind insurance market or FAIR plan.]

40

41 (D) The [Majority Leader of the Lower House], the [Minority Leader of the Lower  
42 House], the [Majority Leader of the Upper House], and the [Minority Leader of the  
43 Lower House] shall appoint one member of the Commission each.

44

45 (E) The Commission shall, one year from the enactment of this statute, and every four  
46 years thereafter submit to the governor and make available in electronic form a report that  
47 examines and makes recommendations with regard to:

48

49 (1) The areas of the state most vulnerable to hurricane damage and the appropriate  
50 ways to reduce this damage.

51

52 (2) The status of the state's own preparedness for against hurricane damage.

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54 (3) The strengths and weaknesses of [the statewide building code/building codes  
55 around the state] with regard to protecting the residents from hurricane damage.

56

57 (4) Steps the state should take to improve its preparedness for hurricanes.

58

59 (F) [There is authorized to be appropriated [\$50,000] for the purposes of carrying out this  
60 section./The Department of Emergency Management shall provide staff support to the  
61 Commission.]

62 **Section 4. {Tax Exemption.}** Beginning in [2011], for a seven-day period that begins  
63 each year on May 25 and ends at 11:59 p.m. on May 31, the [state sales tax law] shall  
64 not apply to (i) portable generators used to provide light or communications or preserve  
65 food in the event of a power outage and (ii) certain other hurricane preparedness  
66 equipment, including, but not limited to, blue ice, carbon monoxide detectors, mobile  
67 phone batteries, mobile phone chargers, gas or diesel fuel tanks, nonelectric food storage  
68 coolers, portable self-powered light sources, portable self-powered radios, two-way  
69 radios, weather band radios, storm shutter devices, tarpaulins or other flexible waterproof  
70 sheeting, ground anchor systems or tie down kits, hurricane straps, clips or holdown  
71 devises, and packages of AAA cell, AA cell, C cell, D cell, 6 volt, or 9 volt batteries,  
72 excluding automobile and boat batteries. As used in this section, "storm shutter" means  
73 materials and products manufactured, rated, and marketed specifically for the purpose of

74 preventing window damage from storms.

75 (A) The tax exemption shall apply to each portable generator with a selling price of  
76 \$1,000 or less, and each article of other hurricane preparedness equipment with a selling  
77 price of \$60 or less. Any discount, coupon, or other credit offered either by the retailer or  
78 by a vendor of the retailer to reduce the final price to the customer shall be taken into  
79 account in determining the selling price for purposes of this exemption.

80 (B) [The state tax collection authority] in consultation with the Commission on Hurricane  
81 Mitigation shall develop guidelines that describe the items of merchandise that qualify for  
82 the exemption and make such guidelines available, both electronically and in hard copy,  
83 no later than May 15 of each year.

84 **Section 5. {Severability Clause.}**

85 **Section 6. {Repealer Clause.}**

86 **Section 7. {Effective Date.}**

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**INSURANCE COMPACT ENABLING ACT**  
**(DRAFT, DECEMBER 2, 2010)**

**SUMMARY**

This Act allows a state, along with party states, to exercise sovereign police powers and solemnly agree to the following Interstate Insurance Compact.

**MODEL LEGISLATION**

**Section 1. Findings and Declaration of Policy.**

A. **{Insert state}** and the party states find public health, safety, and morals, as well as individual liberty and economic development, are best served by open and competitive insurance markets and the freedom to sell and purchase insurance products without unreasonable governmental interference.

B. It is the policy of **{insert state}** and the party states to:

1. Secure the right of any insurance company that is lawfully doing business within the jurisdiction of any compacting state to reciprocal access to any corresponding intrastate insurance market within the jurisdiction of any compacting state; and
2. Secure the right of any person that is domiciled in any compacting state to maintain freedom of choice among insurance policies, as well as the coverage and terms of existing insurance policies, in any and all compacting states.

**Section 2. Definitions.** As used in this Compact:

A. "State" means a state of the United States.

B. "Insurance policy" means any contract in which one person promises and undertakes, in exchange for consideration of a set or assessed amount of money, to make a payment to either another party or a third-party if a specified event occurs involving a loss, casualty, illness, bodily injury, or death.

C. "Insurance company" means any organization that offers insurance policies.

**Section 3. Terms.**

A. Any insurance company doing business within the jurisdiction of any compacting state, in compliance with the laws of that state, has the vested right to do business within the jurisdiction of all compacting states under the same terms and conditions.

B. Any insurance company that is doing business within the jurisdiction of any compacting state, in compliance with the laws of that state, shall have unhindered reciprocal access to any corresponding intrastate insurance market within the jurisdiction of any other compacting state.

C. Any person who is domiciled in any compacting state and who has contracted for any insurance policy in compliance with the laws of that state has the vested right to maintain the coverage and terms of that policy in all compacting states regardless of domicile.

**SUPPLEMENT TO INSURANCE COMPACT ENABLING ACT:**  
**MODEL NOTICE OF CONFIRMATION**

**WHEREAS**, The Interstate Insurance Compact was formed to provide means through which the signing jurisdictions may participate in a reciprocal program to effectuate the stated policies and purposes of the Compact, and

**WHEREAS**, Authority to enter the Compact is contained in {insert statute}; and

**WHEREAS**, The Compact will serve to mutually benefit the residents, businesses, and the operation of government in the party jurisdictions.

**NOW THEREFORE**, In consideration of the mutual and reciprocal benefits to flow therefrom, and pursuant to the authority contained in {insert statutory citation of authority}, the “Interstate Insurance Compact” is hereby confirmed.

**FURTHER PROVIDED** That the desired date of entry {is/was} {insert date}; and  
*(Drafting Note: Effective date of entry must be at least 60 days after notification is given to other compact members by the Secretary.)*

**FURTHER PROVIDED** That this jurisdiction agrees to comply with the terms and provisions of the Compact.

Authority for administration of this Compact within this jurisdiction is vested in the office of the governor of each signing state, unless a different administrator is designated by the governor.

**DATED:** {Insert date}

**FOR THE STATE OF:** {Insert state}

**TITLE:** {Insert title of compact administrator}

**SIGNATURE:** {Display signature of compact administrator}

For Secretary Use:  
Notice Received {insert date}  
Notice sent to Compact members {insert date}

**SUPPLEMENT TO INSURANCE COMPACT ENABLING ACT:**  
**MODEL INTERSTATE INSURANCE COMPACT**

The Party States herewith exercise their sovereign police powers and solemnly agree to the following articles of the Interstate Insurance Compact.

**Article I. Findings and Declaration of Policy.**

1. The Party States find public health, safety and morals, as well as individual liberty and economic development, are best served by open and competitive insurance markets and the freedom to sell and purchase insurance products without unreasonable governmental interference.

2. It is the policy of each of the Party States to:

A. Secure the right of any insurance company that is lawfully doing business within the jurisdiction of any Compacting state to reciprocal access to any corresponding intrastate insurance market within the jurisdiction of any Compacting state; and

B. Secure the right of any person that is domiciled in any Compacting state to maintain freedom of choice among insurance policies, as well as the coverage and terms of existing insurance policies, in any and all Compacting states.

**Article II. Definitions.** As used in this Compact:

1. “State” means a state of the United States.

2. “Insurance policy” means any contract in which one person promises and undertakes, in exchange for consideration of a set or assessed amount of money, to make a payment to either another party or a third-party if a specified event occurs involving a loss, casualty, illness, bodily injury or death.

3. “Insurance company” means any organization that offers insurance policies.

**Article III. Terms.**

1. Any insurance company doing business within the jurisdiction of any Compacting state, in compliance with the laws of that state, has the vested right to do business within the jurisdiction of all Compacting states under the same terms and conditions.

2. Any insurance company that is doing business within the jurisdiction of any Compacting state, in compliance with the laws of that state, shall have unhindered reciprocal access to any corresponding intrastate insurance market within the jurisdiction of any other Compacting state.

3. Any person who is domiciled in any Compacting state and who has contracted for any insurance policy in compliance with the laws of that state has the vested right to maintain the coverage and terms of that policy in all Compacting states regardless of domicile.

4. Any person who is domiciled in any Compacting state shall not be prohibited by law from purchasing or selling any insurance policy that is offered in compliance with the laws of any Compacting state.

5. No law or regulation shall compel, directly or indirectly, any person to purchase any insurance policy as a condition of lawful residency.

6. No person shall be required to pay penalties or fines for paying directly for goods or services that might otherwise be paid through an insurance policy.

**Article IV. Enforcement.**

1. Anyone knowingly interfering with the foregoing terms and conditions shall have committed both a civil rights violation and a criminal offense under the laws of the Party State in which such interference occurs.

2. Redress for any civil rights violation hereunder shall be available in the courts of any Party State both for the victim of such interference and for any taxpaying resident of any Party State, the latter of whom shall be regarded as acting in the public interest on behalf of the Party State in which they reside.

3. Remedies for any civil rights violation hereunder shall include compensatory monetary damages, court costs, litigation expenses, attorney's fees, as well as declaratory and injunctive relief.

4. Any criminal offense hereunder shall be punishable by a prison sentence of up to five years and a fine of not less than \$5,000.

5. The chief law enforcement officer of each Party State shall coordinate criminal offense enforcement efforts under this Article with other Party States.

**Article V. Compact Administrator and Interchange of Information.**

1. The governor of each Party State, or the governor's designee, shall be the "Compact Administrator" of this Compact for his or her state. The Compact Administrator shall have the power to formulate all necessary and proper procedures to effectuate this Compact, and to delegate needed tasks to other state agencies.

2. The Compact Administrator of each Party State shall furnish to the Compact Administrator of each other Party State any information or documents reasonably necessary to facilitate the administration of this Compact.

**Article VI. Entry Into Force and Withdrawal.**

1. This Compact shall enter into force and become effective as to any state when it has enacted the same into law.

2. Any Party State may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until four years after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other Party States. No withdrawal shall affect the validity or applicability of the Compact to states remaining party to the Compact. Party States shall have the power to rescind any notice of withdrawal within said four year period.

**Article VII. Construction and Severability.** This Compact shall be liberally construed so as to effectuate the purposes thereof. If it receives congressional consent, it is intended to

operate as the Law of the Nation with respect to the Party States and to stop the federal government from engaging in any action inconsistent with the grant of congressional consent. The provisions of this Compact shall be severable; and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any Party State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to remaining states and in full force and effect as to the state affected as to all severable matters.

COMMON CAUSE  
Holding Power Accountable



Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Rebecca Adler**

**Private Sector Member (Info)**

Community Financial Services Association  
515 King St.  
Suite 300  
Alexandria, VA 22314  
Work Phone: 703-842-2092

**Cliff A. Aldridge**

**Legislative Member**

Senator  
Oklahoma Legislature  
2300 North Lincoln Boulevard  
Room 511  
Oklahoma City, OK 73105  
Work Phone: (405) 521-5584  
Fax: (405) 521-5507

**Neil Alldredge**

**Private Sector Member (M1)**

State Relations Manager  
National Association of Mutual Insurance Companies  
3601 Vincennes Road  
Indianapolis, IN 46268  
Work Phone: (317) 875-5250, ext. 1103  
Fax: (317) 879-8408

**Pamela J. Althoff**

**Legislative Member**

State Senator  
Illinois Legislature  
1 North Virginia Street  
Crystal Lake, IL 60014  
Work Phone: (217) 782-8000  
Fax: (217) 782-9586

**Bruce D. Anderson**

**Legislative Member**

Representative  
Minnesota Legislature  
100 Dr. Martin Luther King Jr. Boulevard  
Room 295  
St. Paul, MN 55155  
Work Phone: (651) 296-5063  
Fax: (651) 296-3949

**Mike Armstrong**

**Legislative Member**

Representative  
Washington Legislature  
426A Legislative Building  
P.O. Box 40600  
Olympia, WA 98504  
Work Phone: (360) 786-7832  
Fax: (360) 786-1066

**Elsie M. Arntzen**

**Legislative Member**

Representative  
Montana Legislature  
850 Senora Avenue  
Billings, MT 59105  
Work Phone: (406) 444-4800  
Fax: (406) 444-1865

**Susan M. Aumann**

**Legislative Member**

Delegate  
Maryland Legislature  
6 Bladen Street  
Room 303  
Annapolis, MD 21401  
Work Phone: (410) 841-3258  
Fax: (410) 841-3163

**Jennifer Aument**

**Private Sector Member (M1)**

Manager Public Affairs  
Transurban  
1421 Prince Street, Suite 200  
Alexandria, VA 22314  
Work Phone: 571-527-2053  
Fax: 571-527-2060

**McKinley Bailey**

**Legislative Member**

Representative  
Iowa Legislature  
1007 East Grand Avenue  
Des Moines, IA 50319  
Work Phone: (515) 281-3221  
Fax: (515) 281-6958

**Christopher Bateman**

**Legislative Member**

State Senator  
New Jersey Legislature  
36 E. Main Street  
Somerville, NJ 08876  
Work Phone: (908) 526-3600  
Fax: (908) 707-4578

**James A. Battle, Jr.**

**Legislative Member**

Representative  
South Carolina Legislature  
PO Box 536  
Nichols, SC 29581  
Work Phone: (803) 734-3001  
Fax: (803) 734-4309

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Bill James Beck**  
**Legislative Member**  
Representative  
Montana Legislature  
1301 East 6th Avenue  
Helena, MT 59620  
Work Phone: (406) 444-4800  
Fax: (406) 444-1865

**Wendell R. Beitzel**  
**Legislative Member**  
Delegate  
Maryland Legislature  
2287 Rock Lodge Road  
Accident, MD 21520  
Work Phone: (410) 841-3435

**Michael S. Bennett**  
**Legislative Member**  
Senator  
Florida Legislature  
Wildewood Professional Park  
3653 Cortez Road West, Suite 90  
Bradenton, FL 34210  
Work Phone: (850) 487-5078  
Fax: (850) 487-5486

**Richard B. Bennett**  
**Alternate**  
Representative  
Mississippi Legislature  
20108 Daugherty Road  
Long Beach, MS 39560  
Work Phone: (601) 359-3360  
Fax: (601) 359-3728

**Don Benton**  
**Legislative Member**  
Senator  
Washington Legislature  
109B Irv Newhouse Building  
PO Box 40417  
Olympia, WA 98504  
Work Phone: (360) 786-7632  
Fax: (360) 786-7819

**Dan Beres**  
**Private Sector Member (M2)**  
Southern VP  
MV VeriSol  
18 Railroad Street  
P.O. Box 548  
Kingston, GA 30145-0548  
Work Phone: (404) 217-7526

**Richard Berg**  
**Alternate**  
Representative  
North Dakota Legislature  
PO BOX 3024  
Fargo, ND 58108-3024  
Work Phone: (701) 328-3516

**Richard J. Berry**  
**Alternate**  
State Representative  
New Mexico Legislature  
490 Old Sante Fe Trail  
Santa Fe, NM 87503  
Work Phone: (505) 986-4454  
Fax: (505) 986-4280

**Randy L. Borrer**  
**Legislative Member**  
State Representative  
Indiana Legislature  
1315 Georgetowne Park Drive  
Fort Wayne, IN 46815  
Work Phone: (317) 232-9603  
Fax: (317) 234-3558

**Bill L. Brown**  
**Alternate**  
Senator  
Oklahoma Legislature  
2300 North Lincoln Boulevard  
Room 513A  
Oklahoma City, OK 73105  
Work Phone: (405) 521-5602  
Fax: (405) 521-5594

**Corey Brown**  
**Legislative Member**  
State Senator  
South Dakota Legislature  
501 East Capitol Avenue  
Pierre, SD 57501-5070  
Work Phone: (605) 773-3251  
Fax: (605) 773-6806

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Stephen P. Buehrer**  
**Legislative Member**  
Senator  
Ohio Legislature  
Ohio Statehouse  
1 Capitol Square  
Columbus, OH 43215  
Work Phone: (614) 466-8150  
Fax: (614) 995-1522

**Dean L. Cameron**  
**Legislative Member**  
Senator  
Idaho Legislature  
1101 Ruby Drive  
Rupert, ID 83350  
Work Phone: (208) 334-2475  
Fax: (208) 334-5397

**Dean Cannon**  
**Legislative Member**  
Florida Legislature  
1992 Mizell Avenue  
Suite 200  
Winter Park, FL 32792  
Work Phone: (850) 488-2742  
Fax: (850) 414-6879

**William Carmichael**  
**Private Sector Member (M2)**  
Director  
American Bail Coalition  
3905 Vincennes Road  
Suite 200  
Indianapolis, IN 46268  
Work Phone: 317-860-1890  
Fax: (317) 875-3210

**Gary A. Chism**  
**Legislative Member**  
Representative  
Mississippi Legislature  
P.O. Box 2343  
Columbus, MS 39704-2343  
Work Phone: (601) 359-2433  
Fax: (601) 359-3728

**Woody Burton**  
**Legislative Member**  
Representative  
Indiana Legislature  
69 Meadow Lane  
Whiteland, IN 46184  
Work Phone: (317) 232-9600  
Fax: (317) 232-7644

**Fred Camillo**  
**Legislative Member**  
State Representative  
Connecticut General Assembly  
35 MacArthur Dr.  
Old Greenwich, CT 06870  
Work Phone: (860) 240-8778  
Fax: (860) 240-0046

**Gerald Cardinale**  
**Legislative Member**  
Senator  
New Jersey Legislature  
350 Madison Avenue  
Cresskill, NJ 07626  
Work Phone: (609) 292-5199  
Fax: (201) 567-8514

**Sharon M. Carson**  
**Alternate**  
State Senator  
New Hampshire Legislature  
33 North State Street  
Room 5  
Concord, NH 03301  
Work Phone: (603) 271-2674  
Fax: (603) 271-2105

**David Christman**  
**Private Sector Member (M1)**  
Director, State & Industry Affairs  
National Beer Wholesalers Assoc.  
1101 King Street  
Suite 600  
Alexandria, VA 22314  
Work Phone: (703) 683-4300 (ext. 124)  
Fax: 703.683.8965

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Chaz J. Cirame**

**Private Sector Member (Info)**

Senior Director of Membership and Development  
ALEC  
1101 Vermont Ave.  
11th Floor  
Washington, DC 20005  
Work Phone: (202) 466-3800  
Fax: (202) 466-3801

**James Clark**

**Private Sector Member (M1)**

Director, Grassroots Advocacy & State Issues  
American Bankers Association  
1120 Connecticut Ave., NW  
8th Floor  
Washington, DC 22036  
Work Phone: (202) 663-5348  
Fax: (202) 663-5212

**Alan D. Clemmons**

**Legislative Member**

Representative  
South Carolina Legislature  
610 18th Avenue North  
Myrtle Beach, SC 29577  
Work Phone: (803) 734-2994  
Fax: (803) 734-2957

**Lynn Coard**

**Private Sector Member (M1)**

Director, State Advocacy  
Credit Union National Association, Inc.  
601 Pennsylvania Avenue, NW  
South Building, Suite 600  
Washington, DC 20004-2601  
Work Phone: (202) 508-6777  
Fax: (202) 638-7734

**Sean Collins**

**Private Sector Member (M1)**

District Director, State Government Affairs  
Altria Client Services  
101 Constitution Ave, NW  
Suite 400W  
Washington, DC 20001  
Work Phone: (202) 354-1623  
Fax: (202) 350-1506

**Edward K. Conklin**

**Private Sector Member (M1)**

Senior Director, Government Relations  
McDonald's Corporation  
1 Kroc Drive  
Oak Brook, IL 60523  
Work Phone: (630)623-5724  
Fax: (630)623-3057

**Stan Cooper**

**Legislative Member**

Senator  
Wyoming Legislature  
417 Agate Street  
Kemmerer, WY 83101  
Work Phone: (307) 777-7711  
Fax: (307) 777-5466

**John A. Cosgrove, Jr.**

**Legislative Member**

Delegate  
Virginia General Assembly  
Post Office Box 15483  
Chesapeake, VA 23328-5483  
Work Phone: (804) 698-1078  
Fax: (804) 698-6778

**Marc A. Cote**

**Legislative Member**

Senator  
Rhode Island Legislature  
State House - Room 318  
Providence, RI 02903  
Work Phone: (401) 276-5509  
Fax: (401) 222-2967

**Derek L. Crawford**

**Private Sector Chair**

Director, State and Local Government Affairs  
Kraft Foods, Inc.  
3 Lakes Drive  
Mail Code NF204  
Northfield, IL 60093  
Work Phone: (847) 646-0534  
Fax: (847) 646-0979

Commerce, Insurance, & Economic Development  
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---

**Ronald Crimm**  
**Legislative Member**  
Representative  
Kentucky Legislature  
10206 Judith Ct.  
P.O. Box 43244  
Louisville, KY 40223  
Work Phone: (502) 245-2118  
Fax: (502) 245-3811

**Justin R. Cronin**  
**Legislative Member**  
Representative  
South Dakota Legislature  
501 East Capitol Avenue  
Pierre, SD 57501  
Work Phone: (605) 773-3251  
Fax: (605) 773-6806

**Becky L. Currie**  
**Alternate**  
Representative  
Mississippi Legislature  
407 Oliver Dr.  
Brookhaven, MS 39601  
Work Phone: (601) 359-3728  
Fax: (601) 359-3728

**Robert E. Dale**  
**Legislative Member**  
Representative  
Arkansas General Assembly  
500 Woodlane Avenue  
Little Rock, AR 72201  
Work Phone: (501) 682-2920  
Fax: (501) 682-3479

**Gary L. Daniels**  
**Legislative Member**  
Representative  
New Hampshire Legislature  
127 Whitten Road  
Milford, NH 03055-3228  
Work Phone: (603) 271-2548  
Fax: (603) 271-3309

**Alberta Darling**  
**Alternate**  
Senator  
Wisconsin Legislature  
PO Box 7882  
Madison, WI 53707-7882  
Work Phone: (800) 863-1113  
Fax: (608) 267-0588

**Bill Davis**  
**Legislative Member**  
Representative  
Indiana Legislature  
210 Williamson Drive  
Portland, IN 47371  
Work Phone: (317) 232-9600  
Fax: (317) 232-7644

**Peter J. DeGraaf**  
**Legislative Member**  
Representative  
Kansas Legislature  
L32, 7th Floor, Docking Bldg  
Topeka, KS 66612-1504

**Tom Dempsey**  
**Legislative Member**  
State Senator  
Missouri Legislature  
201 West Capitol Avenue  
Jefferson City, MO 65101  
Work Phone: (573) 751-1141  
Fax: (573) 522-3383

**Robert Detlefsen**  
**Private Sector Member (M2)**  
Director of Public Policy  
National Association of Mutual Insurance Companies  
3601 Vincennes Road  
Indianapolis, IN 46268  
Work Phone: (317) 875-5250  
Fax: (317) 879-8408

**Jerry C. Dockham**  
**Legislative Member**  
Representative  
North Carolina General Assembly  
PO Box 265  
Denton, NC 27239  
Work Phone: (919) 715-2526  
Fax: (919) 733-2599

**Matthew Dollar**  
**Legislative Member**  
Representative  
Georgia General Assembly  
State Capitol  
18 Capitol Square, Suite 601  
Atlanta, GA 30334  
Work Phone: (404) 656-0126  
Fax: 404-656-8086

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Osjha Domenicone**

**Private Sector Member (M1)**

Director of Government Affairs & Corp. Counsel  
LoanMax  
3440 Preston Ridge Road  
Suite 500  
Alpharetta, GA 30005  
Work Phone: (678) 823-4668  
Fax: (678) 823-4043

**Brad Drake**

**Legislative Member**

Representative  
Florida Legislature  
402 South Monroe Street  
313 House Office Building  
Tallahassee, FL 32399-1300  
Work Phone: (850) 488-4726  
Fax: (850) 488-9707

**Cleo Duncan**

**Alternate**

Representative  
Indiana Legislature  
1205 East Tara Road  
Greensburg, IN 47240  
Work Phone: (317) 232-9600  
Fax: (317) 232-7644

**Sal Esquivel**

**Legislative Member**

Representative  
Oregon Legislature  
711 Medford Court  
Suite 178 H485  
Medford, OR 97504  
Work Phone: (503) 986-1406  
Fax: (503) 986-1496

**Bruce Ferguson**

**Private Sector Member (M2)**

Senior Vice President, State Relations  
American Council of Life Insurers  
101 Constitution Avenue, NW  
Suite 700  
Washington, DC 20001  
Work Phone: (202) 624-2385  
Fax: (202) 624-2319

**Jeff M. Fitzgerald**

**Legislative Member**

Representative  
Wisconsin Legislature  
State Capitol  
Madison, WI 53708  
Work Phone: (608) 264-6967  
Fax: (608) 282-3639

**Troy Flanagan**

**Private Sector Member (M1)**

Director, Government Relations  
International Franchise Association  
1501 K Street, NW  
Suite 350  
Washington, DC 20005  
Work Phone: (202) 662-0792  
Fax: (202) 628-0812

**Mark S. Formby**

**Legislative Member**

Representative  
Mississippi Legislature  
911 Highway 43 North  
Picayune, MS 39466  
Work Phone: (601) 359-3364  
Fax: (601) 359-3728

**Peter J. Fotos**

**Private Sector Member (M1)**

Director Government Relations  
Heartland Institute  
19 South LaSalle St.  
Suite 903  
Chicago, IL 60603  
Work Phone: (312) 377-4000  
Fax: (312) 377-5000

**David Foy**

**Private Sector Member (M1)**

Director, State Government Affairs  
Reed Elsevier Inc.  
2770 Summer Meadow Lane  
Tallahassee, FL 32303  
Work Phone: (850) 443-2338

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Troy Fraser**

**Alternate**

Senator  
Texas Legislature  
P.O. Box 12068  
Austin, TX 78711  
Work Phone: (512) 463-0124  
Fax: (512) 463-0346

**Gage Froerer**

**Legislative Member**

State Representative  
Utah Legislature  
PO Box 379  
Huntsville, UT 84317  
Work Phone: (801) 538-1029  
Fax: (801) 326-1544

**Doug Funderburk**

**Alternate**

Representative  
Missouri Legislature  
201 West Capitol Avenue  
Room 236-A  
Jefferson City, MO 65101  
Work Phone: (573) 751-2176  
Fax: (573) 526-0592

**Marilinda J. Garcia**

**Legislative Member**

Representative  
New Hampshire Legislature  
23 School Street  
Salem, NH 03079-2712  
Work Phone: 603/894-6004

**Larry George**

**Legislative Member**

Senator  
Oregon Legislature  
State Capitol  
Salem, OR 97301  
Work Phone: (503) 986-1187  
Fax: (503) 373-1527

**Carroll Gibson**

**Legislative Member**

Senator  
Kentucky Legislature  
P.O.Box 506  
Leitchfield, KY 42755  
Work Phone: (502) 564-8100  
Fax: (502) 564-6543

**George Gilman**

**Legislative Member**

Representative  
Oregon Legislature  
900 Court Street, NE  
H-493  
Salem, OR 97301  
Work Phone: (503) 986-1455  
Fax: (503) 986-1997

**Leonard Gilroy**

**Private Sector Member (M2)**

Director of Government Reform  
Reason Foundation  
15968 E. Lost Hills Drive, Fountain Hill  
Fountain Hills, AZ 85268

**Matthew Glans**

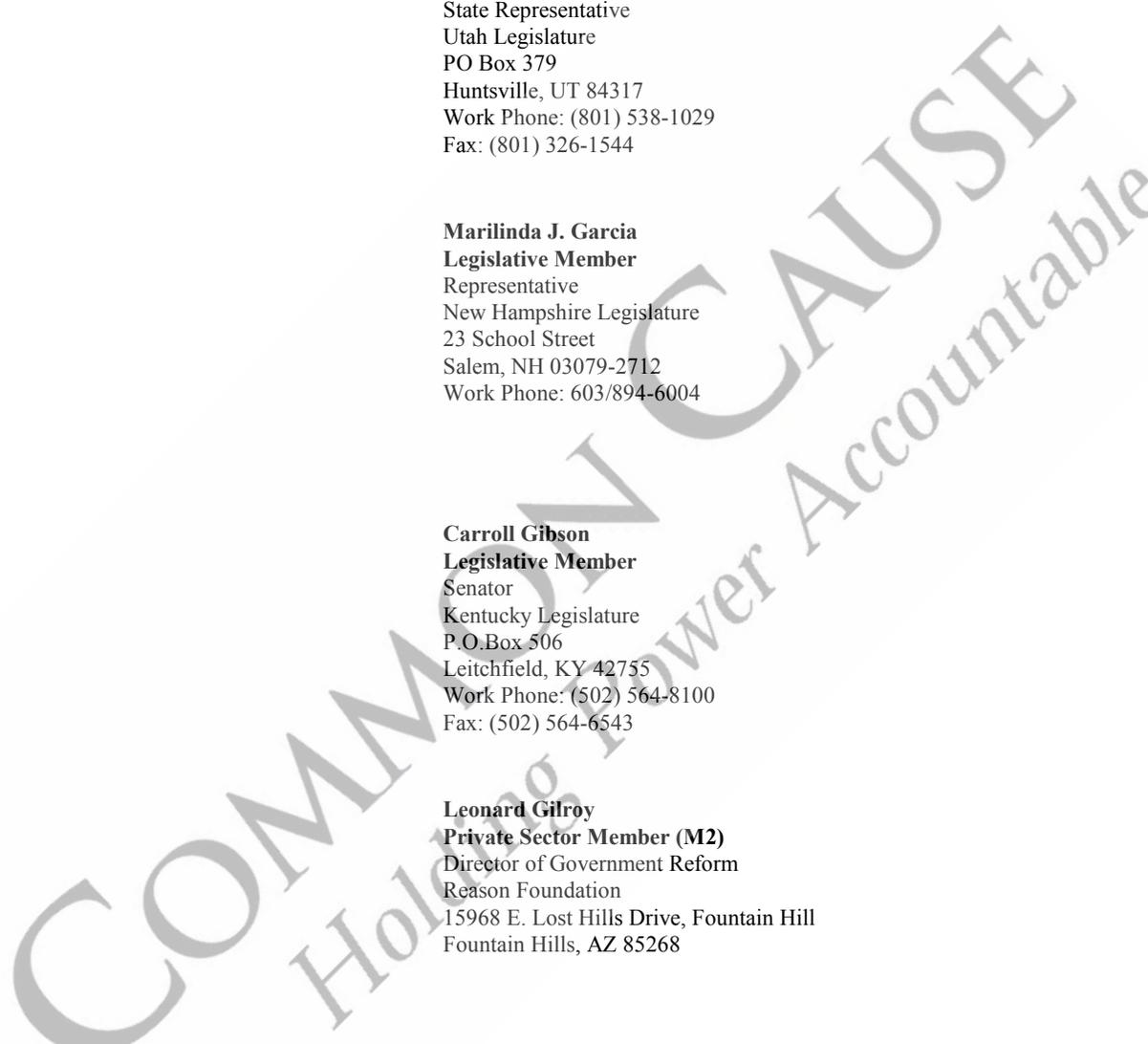
**Private Sector Member (M2)**

Heartland Institute  
19 South LaSalle Street  
Suite 903  
Chicago, IL 60603  
Work Phone: (312) 377-4000  
Fax: (312) 377-5000

**Mario Goico**

**Alternate**

Representative  
Kansas Legislature  
Docking State Office Bldg.  
915 SW Harrison St.  
Topeka, KS 66612  
Work Phone: (785) 296-7663  
Fax: (785) 368-6365



Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Eric Goldberg**

**Private Sector Member (M2)**

Associate General Counsel & Manager, State Program  
American Insurance Association  
2101 L Street, NW  
Suite 400  
Washington, DC 20037  
Work Phone: 202-828-7172  
Fax: 202-495-7870

**Brian Gosch**

**Legislative Member**

Representative  
South Dakota Legislature  
312 Alta Vista Dr.  
Rapid City, SD 57701  
Work Phone: (605) 773-3251  
Fax: (605) 773-6806

**Kelly G. Hancock**

**Alternate**

Texas Legislature  
P.O. Box 2910  
Austin, TX 78768  
Work Phone: (512) 463-0599  
Fax: (512) 463-0751

**John N. Harms**

**Alternate**

State Senator  
Nebraska Unicameral Legislature  
P.O. Box 94604  
Lincoln, NE 68509  
Work Phone: (402) 471-2802  
Fax: (402) 479-0948

**Beth Harwell**

**Alternate**

Representative  
Tennessee Legislature  
42 Wyn Oak  
Nashville, TN 37205  
Work Phone: (615) 741-0709  
Fax: (615) 741-4917

**Kristie A. Helmick**

**Private Sector Member (M2)**

Transurban  
1421 Prince Street, Suite 200  
Alexandria, VA 22314  
Work Phone: 1 571.527. 2066

**Mark Gorman**

**Private Sector Member (M1)**

Senior Vice President  
Distilled Spirits Council of the US  
1250 Eye Street, NW  
Suite 400  
Washington, DC 20005  
Work Phone: (202) 628-3544  
Fax: (202) 682-8849

**Steve Gross**

**Private Sector Member (M1)**

State Relations Director  
Wine Institute  
425 Market Street  
Suite 1000  
San Francisco, CA 94105  
Work Phone: (415) 356-7518  
Fax: (415) 543-5848

**Goeff Hansen**

**Legislative Member**

Representative  
Michigan Legislature  
124 North Capitol Avenue  
Lansing, MI 48909  
Work Phone: (517) 373-7317  
Fax: (517) 373-9469

**Denise Harper Angel**

**Legislative Member**

Senator  
Kentucky Legislature  
2521 Ransdell Avenue  
Louisville, KY 40204  
Work Phone: (502) 564-8100, ext.633

**D. Alan Hays**

**Alternate**

Florida Legislature  
871 South Central Avenue  
Suite C  
Umatilla, FL 32784  
Work Phone: (850) 488-0348  
Fax: (850) 414-6879

**Melvin B. Henley**

**Alternate**

Kentucky Legislature  
1305 So. 16th Street  
Murray, KY 42071  
Work Phone: (502) 564-8100  
Fax: (502) 564-6543

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**John Hikel**

**Alternate**

State Representative  
107 North Main Street  
Concord, NH 03301  
Work Phone: (603) 271-3520  
Fax: (603) 271-3309

**Jack Hill**

**Legislative Member**

Senator  
Georgia General Assembly  
234 State Capitol  
Atlanta, GA 30334  
Work Phone: (404)656-5038  
Fax: (404) 657-7094

**Michael E. Hill**

**Legislative Member**

Representative  
Alabama Legislature  
114 Arlington Street  
Columbiana, AL 35051  
Work Phone: (334)242-7715

**Dawson Hobbs**

**Private Sector Member (M1)**

Vice President, State Affairs  
Wine and Spirits Wholesalers of America  
805 15th Street, NW  
Suite 430  
Washington, DC 20005-2602  
Work Phone: (202) 371-9792, ext. 325  
Fax: (202) 789-2405

**Kelly Hobbs**

**Private Sector Member (M2)**

Bank of America  
1455 Pennsylvania Ave., NW  
Ste 950  
Washington, DC 20004  
Work Phone: 202-351-0125  
Fax: 202-785-1426

**Barbara B. Horn**

**Legislative Member**

Senator  
Arkansas General Assembly  
P.O. Box 64  
Foreman, AR 78136  
Work Phone: 903-748-8800  
Fax: 879-898-8124

**Michael Hough**

**Staff**

Director, Commerce, Insurance and Economic Development  
&  
ALEC

Washington, DC 20036

**DebraLee Hoyey**

**Legislative Member**

Representative  
Connecticut General Assembly  
296 Fan Hill Road  
Monroe, CT 06468  
Work Phone: (860) 240-8734  
Fax: (860) 240-0207

**Richard J. Howrigan**

**Legislative Member**

Representative  
Vermont Legislature  
P.O. Box 16, Rt 46  
Fairfield, VT 05455-0016  
Work Phone: (802) 828-2247  
Fax: (802) 828-2424

**Robert Hunt**

**Private Sector Member (M1)**

Regional Government Affairs  
MillerCoors  
3427 Weymouth Court  
Marietta, GA 30062  
Work Phone: (770) 971-5526  
Fax: 770-971-3752

**Peter S. Illoway**

**Legislative Member**

Representative  
Wyoming Legislature  
839 Ridgeland Street  
Cheyenne, WY 82009-3247  
Work Phone: (307) 635-2973  
Fax: (307) 778-0588

**Riley E. Ingram**

**Legislative Member**

Delegate  
Virginia General Assembly  
General Assembly Building  
P.O. Box 406  
Richmond, VA 23218  
Work Phone: (804) 698-1062  
Fax: (804) 698-6762

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Holly M. Jackson**  
**Private Sector Member (Info)**  
Director of External Relations  
State Policy Network  
2020 North 14th St.  
Suite 250  
Arlington, VA 22201  
Work Phone: (703) 740-0310  
Fax: (703) 740-0314

**Mike Jackson**  
**Legislative Member**  
Senator  
Texas Legislature  
1109 Fairmont Parkway  
Pasadena, TX 77504-2941  
Work Phone: (512) 463-0111  
Fax: (512) 475-3727

**Charlie Janssen**  
**Alternate**  
Senator  
Nebraska Unicameral Legislature  
State Capitol  
PO Box 94604  
Lincoln, NE 68509-4604  
Work Phone: (402) 471-2625

**Teresa Jennings**  
**Private Sector Member (Info)**  
Sr. Director and State Government Affairs Team Leader  
Reed Elsevier Inc.  
1150 18th Street, NW  
Suite 600  
Washington, DC 20036  
Work Phone: (202) 857-4643  
Fax: (202) 857-8294

**Tad M. Jones**  
**Alternate**  
Representative  
Oklahoma Legislature  
2300 North Lincoln Boulevard  
Oklahoma City, OK 73105  
Work Phone: (405) 557-7380  
Fax: (405) 521-2720

**Bradley Kading**  
**Private Sector Member (M1)**  
President and Executive Director  
The Association of Bermuda Insurers & Reinsurers  
1301 Pennsylvania Avenue, N.W.  
Suite 900  
Washington, DC 20004-1701  
Work Phone: 202-783-2434

**Jim Kasper**  
**Legislative Member**  
Representative  
North Dakota Legislature  
1128 Westrac Drive  
Fargo, ND 58103  
Work Phone: (701) 328-3373  
Fax: (701) 328-1997

**Allen Kerr**  
**Alternate**  
Representative  
Arkansas General Assembly  
1429 Merrill Drive  
Little Rock, AR 72211  
Work Phone: (501) 682-2920  
Fax: (501) 682-3479

**Thomas H. Killion**  
**Legislative Member**  
Representative  
Pennsylvania Legislature  
403 Irvis Building  
PO Box 202168  
Harrisburg, PA 17120  
Work Phone: (717) 772-0855  
Fax: (717) 772 9856

**Jerry Klein**  
**Alternate**  
Senator  
North Dakota Legislature  
PO Box 265  
Fessenden, ND 58438  
Work Phone: (701) 328-2916  
Fax: (701) 328-1997

**Andrew Koenig**  
**Legislative Member**  
Representative  
Missouri Legislature  
44 St. Lawrence Dr.  
Winchester, MO 63021  
Work Phone: (573) 751-1285

**Mike Komashka**  
**Private Sector Member (M2)**  
Reynolds American Inc.  
P.O. Box 2959  
Winston Salem, NC 27102-2959  
Work Phone: (336)741-0692  
Fax: (336)741-7977

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Susan W. Krebs**  
**Legislative Member**  
Delegate  
Maryland Legislature  
1696 Springmount Drive  
Eldersburg, MD 21784  
Work Phone: (410) 841-3200  
Fax: (410) 841-3028

**Lorenzo A. Larranaga**  
**Legislative Member**  
Representative  
New Mexico Legislature  
7716 Lamplighter N.E.  
Albuquerque, NM 87109  
Work Phone: (505) 986-4215

**Carroll H. Leavell**  
**Alternate**  
Senator  
New Mexico Legislature  
Drawer D  
441 So 6th  
Jal, NM 88252  
Work Phone: (505) 986-4278  
Fax: (505) 393-3653

**David R. Lewis**  
**Legislative Member**  
Representative  
North Carolina General Assembly  
118 Kingsway Drive  
Dunn, NC 28334  
Work Phone: (919) 715-3015  
Fax: (919) 733-3113

**Hunter Limbaugh**  
**Private Sector Member (M2)**  
Southeastern Counsel  
Wine Institute  
111 Clark Ridge Road  
Columbia, SC 29223

**John J. Loughlin**  
**Alternate**  
Representative  
Rhode Island Legislature  
82 Smith Street  
Providence, RI 02903  
Work Phone: (401) 222-2466  
Fax: (401) 222-6142

**Kenneth F. Lane**  
**Private Sector Member (M1)**  
Vice President, State Government Affairs  
Diageo North America, Inc.  
1301 K Street, NW  
Suite 1000 East Tower  
Washington, DC 20005  
Work Phone: (202) 715-1118  
Fax: (202) 715-1114

**Matthew P. Lathrop**  
**Private Sector Member (M1)**  
Director of Government Relations  
YUM! Brands, Inc.  
1441 Gardiner Lane  
Louisville, KY 40213  
Work Phone: 502-874-8598  
Fax: 502 874 8662

**Eli Lehrer**  
**Advisor**  
Fellow  
The Heartland Institute  
1728 Connecticut Ave N.W.  
Washington, DC 20009  
Work Phone: (202) 615-0586  
Fax: (202) 331-0640

**Dan Liljenquist**  
**Legislative Member**  
State Senator  
Utah Legislature  
320 State Capitol  
Salt Lake City, UT 84114  
Work Phone: (801) 538-1035  
Fax: (801) 538-1414

**Stephanie J. Linn**  
**Staff**  
Policy Coordinator  
ALEC  
1101 Vermont Ave.  
11th Floor  
Washington, DC 20005  
Work Phone: (202) 466-3800  
Fax: (202) 466-3801

**Kevin M. Lundy**  
**Private Sector Member (M2)**  
Director, Government Relations  
YUM! Brands, Inc.  
1441 Gardiner Lane  
Louisville, KY 40213  
Work Phone: 502.874.8737

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Susan M. Lynn**  
**Task Force Chair**  
Representative  
Tennessee Legislature  
510 Barton Shore Ct.  
Lebanon, TN 37087-1943  
Work Phone: (615) 741-7462  
Fax: (615) 253-0353

**Danny W. Marshall, III**  
**Alternate**  
Delegate  
Virginia General Assembly  
Post Office Box 439  
Danville, VA 24543-0439  
Work Phone: (804) 698-1014  
Fax: (804) 698-6714

**Charles E. Martin, Jr.**  
**Alternate**  
Representative  
Georgia General Assembly  
11770 Haynes Bridge Road  
Suite 205-544  
Alpharetta, GA 30009  
Work Phone: (404) 463-2247  
Fax: (404) 463-2249

**Ty A. Masterson**  
**Legislative Member**  
Senator  
Kansas Legislature  
P.O. Box 424  
Andover, KS 67002  
Work Phone: (785) 296-0111  
Fax: 316 462-0712

**Ruth Jones McClendon**  
**Legislative Member**  
Representative  
Texas Legislature  
403 South West White  
Suite 210  
San Antonio, TX 78219  
Work Phone: (512) 463-0708  
Fax: (512) 463-7071

**John P. McComish**  
**Legislative Member**  
Representative  
Arizona Legislature  
1700 West Washington Street  
Phoenix, AZ 85007  
Work Phone: (602) 926-5898  
Fax: (602) 417-3020

**John T. McGee**  
**Legislative Member**  
Senator  
Idaho Legislature  
700 West Jefferson Street  
Boise, ID 83720  
Work Phone: (208) 334-2475  
Fax: (208) 334-5397

**Skye D. McNiel**  
**Alternate**  
Representative  
Oklahoma Legislature  
2300 North Lincoln Boulevard  
Room 301  
Oklahoma City, OK 73105  
Work Phone: (405) 557-7353  
Fax: (405) 962-7672

**Heath M. Mello**  
**Legislative Member**  
Senator  
Nebraska Unicameral Legislature  
1445 K Street  
Lincoln, NE 68509  
Work Phone: (402) 471-2710  
Fax: (402) 479-0905

**Walter Michel**  
**Legislative Member**  
Senator  
Mississippi Legislature  
3670 Lakeland Lane  
Jackson, MS 39216  
Work Phone: (601) 352-0757  
Fax: (601) 353-2858

**David R. Miller**  
**Alternate**  
Representative  
Wyoming Legislature  
131 Davis Lane  
Riverton, WY 82501  
Work Phone: (307) 777-7852  
Fax: (307) 777-5466

**Joshua Miller**  
**Alternate**  
Senator  
Rhode Island Legislature  
219 State House  
Providence, RI 02903-1105  
Work Phone: (401) 276-5582

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**James W. Mills**

**Alternate**

Representative  
Georgia General Assembly  
3948 Kilgore Falls Drive  
Gainesville, GA 30507  
Work Phone: (404) 656-5099  
Fax: (404) 651-8086

**Nickie J. Monica**

**Legislative Member**

Representative  
Louisiana Legislature  
900 North Third Street  
Baton Rouge, LA 70804  
Work Phone: (225) 342-6945  
Fax: (225) 342-8336

**Jonathan Moody**

**Staff**

Director of Donor Relations  
ALEC  
1101 Vermont Ave.  
11th Floor  
Washington, DC 20005  
Work Phone: (202) 742-8516  
Fax: (202) 466-3801

**Alexander X. Mooney**

**Alternate**

Senator  
Maryland Legislature  
PO Box 669  
Frederick, MD 21705  
Work Phone: 410-841-3575  
Fax: 410-841-3193

**Adrian T. Moore**

**Private Sector Member (M1)**

Vice President of Research  
Reason Foundation  
3415 S. Sepulveda Blvd.  
Suite 400  
Los Angeles, CA 90034-6064  
Work Phone: (661) 477-3107  
Fax: (310)391-4395

**Tommy Moore**

**Private Sector Member (M1)**

Executive Vice President  
Community Financial Services Association  
515 King St.  
Suite 300  
Alexandria, VA 22314  
Work Phone: (703) 684-1029  
Fax: (703) 648-1219

**Seth A. Morgan**

**Legislative Member**

Representative  
Ohio Legislature  
7208 Howland Pl.  
Huber Heights, OH 45424  
Work Phone: (614) 644-8051  
Fax: (614) 719-3590

**Michael T. Morley**

**Legislative Member**

Representative  
Utah Legislature  
PO Box 145030  
Suite 350  
Salt Lake City, UT 84114-5030  
Work Phone: (801) 538-1029  
Fax: (801) 326-1544

**Scott Muir**

**Private Sector Member (M1)**

Assistant Vice President, Government Relations  
Norfolk Southern Corporation  
One Constitution Avenue, NE  
Suite 300  
Washington, DC 20002  
Work Phone: (202) 675-8200  
Fax: (202) 675-8210

**George K. Munoz**

**Legislative Member**

State Senator  
State Capitol  
416 G  
Santa Fe, NM 87501  
Work Phone: (505) 986-4600

Commerce, Insurance, & Economic Development  
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---

**Dennis Nolan**

**Legislative Member**

Senator  
Nevada Legislature  
PO Box 82249  
Las Vegas, NV 89180  
Work Phone: (775) 684-1421  
Fax: (775) 684-6500

**Jesse A. O'Hara**

**Legislative Member**

Representative  
Montana Legislature  
2221 Holly Court  
Great Falls, MT 59404  
Work Phone: (406) 444-4800  
Fax: (406) 444-1865

**Steven M. Palazzo**

**Alternate**

Representative  
Mississippi Legislature  
13155 Highway 67 Suite B  
Biloxi, MS 39532  
Work Phone: 228-396-8800  
Fax: 228-369-8866

**Charles Pecchio**

**Private Sector Member (M1)**

Chairman  
MV VeriSol  
18 Railroad Street  
P.O. Box 548  
Kingston, GA 30145-0548  
Work Phone: (678) 986-9310

**Dawn E. Pettengill**

**Legislative Member**

Representative  
Iowa Legislature  
1007 East Grand Avenue  
Des Moines, IA 50319  
Work Phone: (515) 281-3221  
Fax: (515) 281-6958

**Paul Pisano**

**Private Sector Member (M2)**

Vice President, Industry Affairs & Counsel  
National Beer Wholesalers Association  
1101 King Street  
Suite 600  
Alexandria, VA 22314-2944  
Work Phone: (703)683-4300  
Fax: (703)683-8965

**Courtney A. O'Brien**

**Staff**

Legislative Assistant, Public Safety and Elections Task Force  
ALEC  
1101 Vermont Ave.  
11th Floor  
Washington, DC 20005  
Work Phone: (202) 466-3800  
Fax: (202) 466-3801

**Dave Osiecki**

**Private Sector Member (M2)**

Vice President, Safety & Operations  
American Trucking Association  
950 North Glebe Road  
Suite 210  
Arlington, VA 22203-4181  
Work Phone: (703) 838-1700

**Scott Pauchnik**

**Private Sector Member (Info)**

Senior State and Government Affairs Representative  
FedEx Corporation  
202 State St.  
Harrisburg, PA 17101

**Jewel Perkins**

**Private Sector Member (M2)**

The Association of Bermuda Insurers & Reinsurers  
1301 Pennsylvania Avenue, N.W.  
Suite 900  
Washington, DC 20004-1701  
Work Phone: 202-783-2434

**Roger A. Picard**

**Alternate**

Senator  
Rhode Island Legislature  
212 State House  
Providence, RI 02903  
Work Phone: (401) 276-5568

**Ted Powers**

**Private Sector Member (M1)**

Government Affairs  
Anheuser-Busch Companies, Inc.  
1 Busch Place  
Saint Louis, MO 63118  
Work Phone: 314-577-4811

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Scott Price**  
**Legislative Member**  
Senator  
Nebraska Unicameral Legislature  
1445 K Street  
Lincoln, NE 68509  
Work Phone: (402) 471-2627  
Fax: (402) 479-0903

**William W. Primeaux**  
**Private Sector Member (M1)**  
Manager, Government Affairs  
FedEx Corporation  
942 S. Shady Grove Road  
Memphis, TN 38120  
Work Phone: (901) 818-7159  
Fax: (901) 818-7194

**Roy Charles Ragland**  
**Alternate**  
Representative  
Arkansas General Assembly  
P.O. Box 610  
Marshall, AR 72650-0610  
Work Phone: (501) 682-6211  
Fax: (501) 682-3479

**Bob Ramsey**  
**Alternate**  
Representative  
Tennessee Legislature  
6th Avenue North  
Room 207  
Nashville, TN 37243  
Work Phone: (615) 741-3560

**Scott W. Renfroe**  
**Legislative Member**  
Senator  
Colorado Legislature  
200 East Colfax Avenue  
Denver, CO 80203  
Work Phone: (303) 866-4451  
Fax: (303) 866-4543

**Pierce Resler**  
**Private Sector Member (Info)**  
Transurban  
1421 Prince Street, Suite 200  
Alexandria, VA 22314

**Terry W. Rice**  
**Legislative Member**  
Representative  
Arkansas General Assembly  
P.O. Box 2195  
Waldron, AR 72958  
Work Phone: (501) 682-2920  
Fax: (501) 682-3479

**Luann Ridgeway**  
**Legislative Member**  
Senator  
Missouri Legislature  
19405 Platte County Line Road  
Smithville, MO 64089  
Work Phone: (573) 751-2547  
Fax: (573) 751-9771

**Richard W. Rosen**  
**Legislative Member**  
Senator  
Maine Legislature  
P.O. Box 877  
Bucksport, ME 04416-0877  
Work Phone: (207) 287-1505  
Fax: (207) 287-1527

**Darrin Roth**  
**Private Sector Member (Info)**  
Director of Highway Operations  
American Trucking Association  
950 North Glebe Road  
Suite 210  
Arlington, VA 22203-4181  
Work Phone: (703) 838-1900  
Fax: (703) 549-9570

**Chris Roy, Jr.**  
**Alternate**  
State Representative  
Louisiana Legislature  
State Capitol  
Box 94062  
Baton Rouge, LA 70804

**Dan J. Ruby**  
**Legislative Member**  
Representative  
North Dakota Legislature  
4620-46th Avenue, NW  
Minot, ND 58703  
Work Phone: (701) 328-3373  
Fax: (701) 328-1997

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Frank M. Ruff, Jr.**  
**Legislative Member**  
Senator  
Virginia General Assembly  
PO Box 332  
Clarksville, VA 23927  
Work Phone: (804) 698-7515  
Fax: (804) 698-7651

**Charles Michael Sargent, Jr.**  
**Legislative Member**  
Representative  
Tennessee Legislature  
206 War Memorial Bldg.  
Nashville, TN 37243  
Work Phone: (615) 741-6808  
Fax: (615) 253-0217

**Ken Schilz**  
**Legislative Member**  
State Senator  
Nebraska Unicameral Legislature  
1445 K Street  
Lincoln, NE 68509  
Work Phone: (402) 471-2616  
Fax: (402) 479-0947

**Ted Scott**  
**Private Sector Member (M1)**  
Director, Special Projects  
American Trucking Association  
950 North Glebe Road  
Suite 210  
Arlington, VA 22203-4181  
Work Phone: (703) 838-1908  
Fax: (703) 838-1907

**Geoffrey Segal**  
**Private Sector Member (M1)**  
Sr. Vice President  
Macquarie Capital USA  
125 West 55th St.  
Lvl 22  
New York, NY 10019  
Work Phone: 212-231-1314  
Fax: 212-231-1717

**Paul Russinoff**  
**Private Sector Member (M1)**  
Vice President, State Relations  
VISA U.S.A. Inc.  
1300 Connecticut Avenue, NW  
Suite 903  
Washington, DC 20036  
Work Phone: (202) 296-9230  
Fax: (202) 862-5498

**Ronald F. Scheberle**  
**Staff**  
PEB Chairman Emeritus  
ALEC  
2601 Brookside Drive  
Irving, TX 75063  
Work Phone: (214) 557-6769  
Fax: (972) 869-2258

**Sharon J. Schwartz**  
**Legislative Member**  
Representative  
Kansas Legislature  
2051 20th Road  
Washington, KS 66968  
Work Phone: (785) 296-7637  
Fax: (785) 368-6365

**Barbara Sears**  
**Legislative Member**  
Representative  
Ohio Legislature  
77 South High Street  
13th Floor  
Columbus, OH 43215  
Work Phone: (614) 466-1731  
Fax: (614) 719-6946

**William E. Sharer**  
**Legislative Member**  
Senator  
New Mexico Legislature  
Box 203  
Farmington, NM 87499  
Work Phone: (505) 986-4381  
Fax: (505) 986-4280

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Patrick Sheehy**

**Private Sector Member (M1)**  
Director, Government Relations  
Cracker Barrel Old Country Store, Inc.  
P.O. Box 787  
305 Hartmann Drive  
Lebanon, TN 37088-0787  
Work Phone: (615) 235-4161  
Fax: (615) 443-9818

**Lisa Shepperson**

**Legislative Member**  
Representative  
Wyoming Legislature  
31800 Wyoming Hwy 259  
Casper, WY 82601  
Work Phone: (307) 777-7852  
Fax: (307) 777-5466

**Scott M. Simon**

**Alternate**  
State Representative  
Louisiana Legislature  
PO Box 1297  
Abita Springs, LA 70420  
Work Phone: (225) 342-6945  
Fax: (225) 342-8336

**Kip Smith**

**Legislative Member**  
Representative  
Georgia General Assembly  
18 Capitol Sq.  
Ste. 508 CLOB  
Atlanta, GA 30334  
Work Phone: 404.656.0213  
Fax: (404) 657-7752

**John T. Smithee**

**Legislative Member**  
Representative  
Texas Legislature  
2808 Parker St  
Amarillo, TX 79109  
Work Phone: (512) 463-0702  
Fax: (512) 476-7016

**Eileen A. Sottile**

**Private Sector Member (M1)**  
Vice President, Government Affairs  
LKQ/Keystone Automotive  
2900 South Port Royale Drive  
Fort Lauderdale, FL 33308  
Work Phone: (954) 492-9092  
Fax: (954) 492-9602

**Toby Spangler**

**Private Sector Member (M2)**  
Regional Director of State Government Affairs  
Altria Client Services, Inc.  
101 Constitution Ave, N.W.  
4th Floor  
Washington, DC 20001  
Work Phone: (202) 354-1571  
Fax: (914) 272-0063

**Roland Spies**

**Private Sector Member (M2)**  
Counsel  
State Farm Insurance Companies  
One State Farm Plaza  
A-3  
Bloomington, IL 61710-0001  
Work Phone: (309) 766-3536  
Fax: (309) 766-4904

**Katherine Springer**

**Private Sector Member (Info)**  
Transurban  
1421 Prince Street, Suite 200  
Alexandria, VA 22314

**Kris Steele**

**Legislative Member**  
Representative  
Oklahoma Legislature  
1211 Cambridge Drive  
Shawnee, OK 74804  
Work Phone: (405) 557-7345  
Fax: (405) 552-3036

**Fred F. Steen**

**Legislative Member**  
Representative  
North Carolina General Assembly  
317 Daybrook Drive  
Landis, NC 28088  
Work Phone: (919) 733-5881  
Fax: (919) 733-3113

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Richard R. Stevenson**  
**Legislative Member**  
Representative  
Pennsylvania Legislature  
155 B East Wing  
Room 155B  
Harrisburg, PA 17120  
Work Phone: (717) 783-6438  
Fax: (717) 705-1949

**Paul M. Stranz**  
**Private Sector Member (M1)**  
SVP, State Government Relations Executive, Southwest  
Region  
Bank of America  
901 Main Street  
TX1-492-15-14  
Dallas, TX 75202  
Work Phone: (214) 209-0628  
Fax: (214) 209-0640

**Matthew Street**  
**Private Sector Member (M2)**  
Deputy General Counsel for State Relations  
American Bankers Association  
1120 Connecticut Avenue, NW  
8th Floor  
Washington, DC 20036  
Work Phone: (202) 663-5031  
Fax: (202) 663-7524

**Tommy Stringer**  
**Alternate**  
Representative  
South Carolina Legislature  
1105 Pendleton Street  
Room 418-D  
Columbia, SC 29201  
Work Phone: (803) 212-6881  
Fax: (803) 734-2925

**Daniel S. Sullivan**  
**Legislative Member**  
Representative  
Oklahoma Legislature  
2300 North Lincoln Boulevard  
Room 435  
Oklahoma City, OK 73105  
Work Phone: (405) 557-7361  
Fax: (405) 962-7875

**Mike Sutherland**  
**Alternate**  
Representative  
Missouri Legislature  
201 West Capitol Avenue  
Room 112  
Jefferson City, MO 65101  
Work Phone: (573) 751-2689  
Fax: (573) 526-0559

**John J. Tassoni, Jr.**  
**Legislative Member**  
Senator  
Rhode Island Legislature  
33-B Waterview Drive  
Smithfield, RI 02917  
Work Phone: (401) 276-5599  
Fax: (401) 222-2967

**Larry W. Taylor**  
**Legislative Member**  
Representative  
Texas Legislature  
1100 Congress Avenue  
Room E2.610  
Austin, TX 78701  
Work Phone: (512) 463-0729  
Fax: (512) 474-2398

**Patrick L. Thomas**  
**Private Sector Member (M1)**  
Vice President  
United Parcel Service  
316 Pennsylvania Avenue, SE  
Suite 300  
Washington, DC 20003-1173  
Work Phone: (202) 675-3361  
Fax: (202) 675-3384

**Randolph J. Townsend**  
**Legislative Member**  
Senator  
Nevada Legislature  
PO Box 20923  
Reno, NV 89515  
Work Phone: (775) 684-1450  
Fax: (775) 684-6500

Commerce, Insurance, & Economic Development  
As of 10/27/2010

---

**Claudia D. Tucker**

**Private Sector Member (M1)**

Senior Director, State Government Affairs  
Medco Health Solutions, Inc.  
713 Indian Creek Rd.  
Amherst, VA 24521  
Work Phone: (434) 277-9212  
Fax: (434) 277-5032

**Pamela Z. Tucker**

**Legislative Member**

Representative  
New Hampshire Legislature  
15 Eagle Court  
Greenland, NH 03840-2336  
Work Phone: (603) 271-2548  
Fax: (603) 271-3309

**Charles M. Turbiville**

**Alternate**

Representative  
South Dakota Legislature  
767 Main Street  
Deadwood, SD 57732  
Work Phone: (605) 920-1657  
Fax: (605) 773-6806

**Johnny Ray Turner**

**Alternate**

Senator  
Kentucky Legislature  
702 Capitol Avenue  
Room 254  
Frankfort, KY 40601  
Work Phone: (502) 564-6136  
Fax: (502) 564-6543

**Glenn Vaad**

**Legislative Member**

Representative  
Colorado Legislature  
2688 West County Road 32  
Mead, CO 80542  
Work Phone: (303) 866-2943  
Fax: (303) 866-2218

**Tammy Velasquez**

**Private Sector Member (M1)**

Vice President & Director of State Affairs  
American Insurance Association  
2101 L Street, NW  
Suite 400  
Washington, DC 20037  
Work Phone: (202) 828-7121  
Fax: (202) 293-1219

**Ted Martin Vick**

**Legislative Member**

Representative  
South Carolina Legislature  
929 Shag Road  
Chesterfield, SC 29709  
Work Phone: (803) 734-2999  
Fax: (803) 734-2925

**Michael N. Villines**

**Legislative Member**

Republican Leader-Assembly-California  
California Legislature  
1303 10th Street  
Room 3104  
Sacramento, CA 95814  
Work Phone: (916) 319-2029  
Fax: (916) 319-2129

**Joann Waiters**

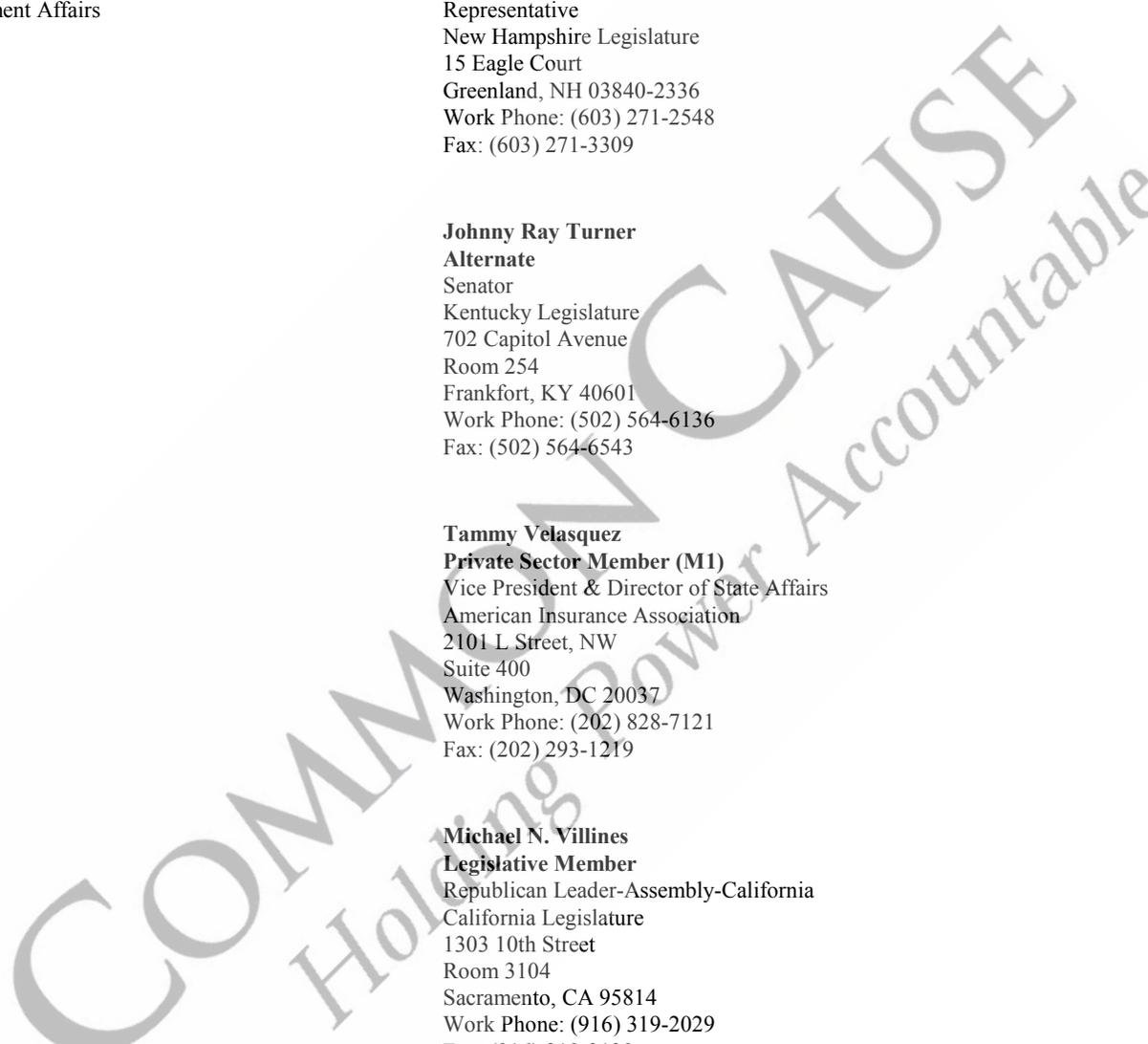
**Private Sector Member (M1)**

Senior Counsel  
American Council of Life Insurers  
101 Constitution Avenue, NW  
Suite 700  
Washington, DC 20001  
Work Phone: (202) 624-2177  
Fax: (202) 624-2319

**William A. Walaska**

**Legislative Member**

Senator  
Rhode Island Legislature  
140 Aldrich Avenue  
Warwick, RI 02889  
Work Phone: (401) 276-5581



Commerce, Insurance, & Economic Development  
As of 10/27/2010

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**Jerry Watson**

**Private Sector Member (M1)**

General Counsel  
American Bail Coalition  
P.O. Box 9810  
Calabasas, CA 91372-9810  
Work Phone: (800) 935-2245 ext. 6023  
Fax: (818) 449-7123

**Terri Lynn Weaver**

**Alternate**

Representative  
Tennessee Legislature  
105 War Memorial Building  
Nashville, TN 37243  
Work Phone: (615) 741-2192  
Fax: (615) 253-0378

**Randy Weber**

**Alternate**

Representative  
Texas Legislature  
PO Box 2910  
Austin, TX 78768-2910  
Work Phone: (512) 463-1000  
Fax: (512) 463-5896

**Michael Widick**

**Private Sector Member (M2)**

LKQ/Keystone Automotive  
12863 Carranington Circle  
204  
Naples, FL 34105  
Work Phone: (954) 492-9092  
Fax: (954) 492-9602

**Emory Wilkerson**

**Private Sector Member (M1)**

Associate General Counsel  
State Farm Insurance Companies  
285 Peachtree Center Avenue, NE  
Suite 1200  
Atlanta, GA 30303  
Work Phone: (404) 335-2000  
Fax: (404) 335-2005

**Joe Woods**

**Private Sector Member (M1)**

Vice President-State Government Relations  
Property Casualty Insurers  
700 Lavaca Street  
Suite 1400  
Austin, TX 78701  
Work Phone: (512) 334-6638  
Fax: (847) 759-4346

**Gregory D. Wren**

**Legislative Member**

Representative  
Alabama Legislature  
11 South Union Street, Room 517-B  
Montgomery, AL 36130  
Work Phone: (334) 242-7764  
Fax: (334) 346-4787

**Mike Yadon**

**Private Sector Member (M2)**

Sr State & Local GA Gov't Affairs Rep.  
FedEx Corporation  
1215 K Street  
Suite 1733  
Sacramento, CA 95814  
Work Phone: 916-503-1589

**Kent Younce**

**Private Sector Member (M1)**

Executive Vice President, Government Relations  
Security Finance Corporation  
175 N Tennessee Ave  
La Follette, TN 37766  
Work Phone: (864) 582-8193  
Fax: (423) 562-7462

# ATTENDEE

## REGISTRATION / HOUSING FORM

AMERICAN LEGISLATIVE EXCHANGE COUNCIL  
**ALEC**



Early registration deadline: November 10, 2010  
Housing cut-off date: November 04, 2010

**Grand Hyatt Washington  
Hotel**  
1000 H Street, NW  
Washington, DC 20001

**December 1-3, 2010**

Online  
www.alec.org

Fax (credit cards only)  
202.331.1344

Phone / Questions • Mon-Fri, 9am-5:30 pm Eastern  
Registration: 202.742.8538 / Housing: (800) 221-3531

Mail • ALEC Registration & Housing  
P.O. Box 96754 • Washington, DC 20090-6754

### ATTENDEE INFORMATION

Prefix (required)  Sen  Rep  Del  Mr  Mrs  Ms  Other \_\_\_\_\_  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_  
Title \_\_\_\_\_  
Organization (required) \_\_\_\_\_  
Address \_\_\_\_\_ Suite # \_\_\_\_\_  
City \_\_\_\_\_ State/Province \_\_\_\_\_ Country \_\_\_\_\_ ZIP/Postal code \_\_\_\_\_  
Daytime phone \_\_\_\_\_ Fax \_\_\_\_\_ Alternate phone \_\_\_\_\_  
Email (confirmation will be sent by email) \_\_\_\_\_  
Spouse / Guest: If registering a spouse or guest, please complete the spouse/guest registration form.

### REGISTRATION INFORMATION

**\*\*Save \$50 on registration by booking your hotel room in ALEC's headquarter hotel\*\***

**DISCOUNTED REGISTRATION FEES** are extended only to registrants booking ALEC's headquarter hotel. Your \$50 savings will become valid when accommodations are confirmed.

**Note: Member fees are subject to verification**

- I have already registered # \_\_\_\_\_
- ALEC Legislative Member
- Legislator / Non-Member
- Newly Elected Legislator (2010 Election Cycle)
- ALEC Private Sector Member
- Private Sector Non-Member
- ALEC Non-Profit Member (501(c)(3) status required)
- Non-Profit Non-Member (501(c)(3) status required)
- Legislative Staff / Government
- ALEC Legacy Member

	Early Until 11/10	On-Site Begin 11/11	Amount
<input type="checkbox"/> I have already registered # _____			\$ _____
<input type="checkbox"/> ALEC Legislative Member	\$ 375	\$ 475	\$ _____
<input type="checkbox"/> Legislator / Non-Member	\$ 475	\$ 575	\$ _____
<input type="checkbox"/> Newly Elected Legislator (2010 Election Cycle)	\$ 375	\$ 475	\$ _____
<input type="checkbox"/> ALEC Private Sector Member	\$ 725	\$ 875	\$ _____
<input type="checkbox"/> Private Sector Non-Member	\$ 925	\$ 1100	\$ _____
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$ 525	\$ 625	\$ _____
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$ 675	\$ 825	\$ _____
<input type="checkbox"/> Legislative Staff / Government	\$ 400	\$ 500	\$ _____
<input type="checkbox"/> ALEC Legacy Member	\$ 0	\$ 0	\$ _____

Promo Code \_\_\_\_\_

**TOTAL REGISTRATION FEES:** \$ \_\_\_\_\_

**Note:** Registration forms with enclosed payments must be postmarked by November 10, 2010 to be eligible for early registration rates. Forms and/or payments received after November 10 will be subject to the on-site registration rate. If registering after November 10, please bring completed form and payment to register on-site.

#### REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

#### REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern November 10, 2010 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern November 10, 2010.

### HOUSING

### RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS NOVEMBER 4, 2010

**\*\*Save \$50 on registration by booking your hotel room in ALEC's headquarter hotel\*\***

- I do not require a reservation at this time.

Arrival Date \_\_\_\_\_ Departure Date \_\_\_\_\_

- Sharing room with \_\_\_\_\_

#### Room type

- Single (1 person - 1 bed) \$ 269
- Double (2 persons - 1 bed) \$ 294
- Db/Db (2 persons - 2 beds) \$ 294
- Triple (3 persons - 2 beds) \$ 319
- Quad (4 persons - 2 beds) \$ 344
- Government rate Not Available

\* All rates DO NOT include sales tax 14.5 % (subject to change)

Suites and upgraded accommodations are available upon request. Please call ALEC Housing at the number listed above for additional information.

#### Special requests

- ADA room required:  
\_\_\_\_ Audio \_\_\_\_ Visual \_\_\_\_ Mobile
- Rollaway / crib: \_\_\_\_\_
- Other: \_\_\_\_\_

#### METHOD OF HOUSING PAYMENT

- Please use the same method of payment as above.

**Credit Card:** Credit Cards will be used to guarantee the reservation.

- Amer Express  Visa  MasterCard  Discover

Card # \_\_\_\_\_

Cardholder (please print) \_\_\_\_\_

Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

**Checks:** Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC and send to above address.

**Note:** Cutoff for reservations at the ALEC rate is November 4, 2010. After November 4, 2010, every effort will be made to accommodate new reservations, based on availability and rate.

#### HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.

#### HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Departures prior to the departure date confirmed by the hotel at check-in will result in a charge of one night room and tax. Please obtain a cancellation number when your reservation is cancelled.

# SPOUSE / GUEST REGISTRATION / HOUSING FORM



December 1-3, 2010

**Grand Hyatt Washington  
Hotel**  
1000 H Street, NW  
Washington, DC 20001

**Grand Hyatt Washington**

**Online**  
www.alec.org

**Fax (credit cards only)**  
202.331.1344

**Phone / Questions** • Mon-Fri, 8am-5:30 pm Eastern  
202.742.8538

**Mail** • ALEC Registration & Housing  
P.O. Box 96754 • Washington, DC 20090-6754

## ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

Prefix (required)     Sen     Rep     Del     Mr     Mrs     Ms     Other \_\_\_\_\_

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_

Title \_\_\_\_\_

Organization (required) \_\_\_\_\_

Address \_\_\_\_\_ Suite # \_\_\_\_\_

City \_\_\_\_\_ State/Province \_\_\_\_\_ Country \_\_\_\_\_ ZIP/Postal code \_\_\_\_\_

Daytime phone \_\_\_\_\_ Fax \_\_\_\_\_ Alternate phone \_\_\_\_\_

Email (confirmation will be sent by email) \_\_\_\_\_

## SPOUSE / GUEST REGISTRATION

### SPOUSE / GUEST REGISTRATION GUIDELINES

1. Spouse / guest registration is meant to accommodate legal spouse and immediate family members.
2. Attendees from the same organization must register independently. No exception will be made.
3. Spouse / guest designation will be clearly visible on name badge.
4. Spouse / guest registrants are not eligible to attend ALEC Task Force meetings.

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Middle initial \_\_\_\_\_ Badge Nickname \_\_\_\_\_

SPOUSE / GUEST REGISTRATION FEES	Number of Spouse/Guest(s)	Early Until 11/10	On-Site Begin 11/11	TOTAL
<input type="checkbox"/> Spouse / Guest <i>please note name(s) above</i>	_____	\$ 150	\$ 150	\$ _____

### METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT

**Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.

Amer Express    Card # \_\_\_\_\_

Visa    Cardholder (please print) \_\_\_\_\_

MasterCard    Exp Date (mm/yy) \_\_\_\_\_ Security Code \_\_\_\_\_

Signature \_\_\_\_\_

**Checks:** Payment must be in U.S. currency drawn on a U.S. bank. Please make check payable to ALEC Registration and send to above address.

**Note:** If registering after November 10, please bring completed form and payment to register on-site.

### REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation to the address provided above. If registering by form, confirmation will be emailed, faxed, or mailed within 72 hours of receipt of payment.

### REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern November 10, 2010 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern November 10, 2010.

# ALEC

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

## Mission Statement

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.

## SCHOLARSHIP POLICY BY MEETING

### ***ALEC Spring Task Force Summit:***

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to a predetermined set limit for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for a two-night stay are covered by ALEC.
3. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
4. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
5. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

### ***ALEC Annual Meeting:***

***State Scholarship Reimbursement Form:*** State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

### ***ALEC States & Nation Policy Summit:***

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

### ***ALEC Academies:***

***Academy Reimbursement Form:*** Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.

**American Legislative Exchange Council  
TASK FORCE OPERATING PROCEDURES**

***I. MISSION OF TASK FORCES***

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

***II. TASK FORCE RESPONSIBILITIES***

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the specific subject areas of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
- publications that express policy positions, including, but not limited to State Factors and Action Alerts;
  - educational communication and correspondence campaigns;
  - issue specific briefings, press conferences and press campaigns;
  - witness testimony and the activities of policy response teams;
  - workshops at ALEC's conferences; and
  - specific focus events.
- D. ~~The Executive Director is to~~ Task Forces are responsible for developing an annual budgets, which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.

### **III. GENERAL PROCEDURES**

- A.** Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the jurisdiction of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all model bills and resolutions 35 days before the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have 10 days after the 35-day mailer deadline to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the National Chair and the Private Enterprise Board Chair. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force

Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. The Board of Directors shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.
- D. The operating cycle of a Task Force is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. ~~At the ALEC Annual Meeting, each Task Force will be responsible for determining an operating budget for the succeeding calendar year. The Executive Director will notify the Task Force Co Chairs, at the ALEC Annual Meeting, what inflation factor will be used by the Task Force to determine the operating~~

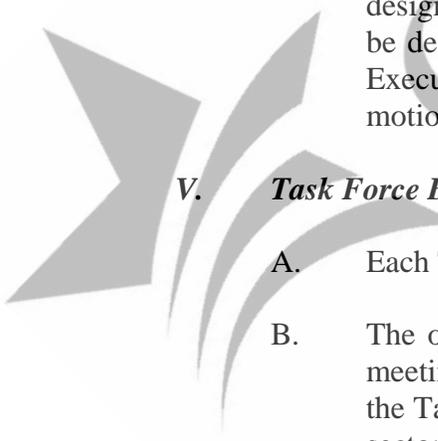
~~and programming budgets. Task Force membership and budget information will be reported to the Executive Director by the Public and Private Sector Task Force Co-Chairs. The Executive Director will present this information to the Board of Directors at its regular fall meeting.~~

- F. If a Task Force is unable to develop an operating budget, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- G. The Board of Directors shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

#### **IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES**

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31<sup>st</sup>, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two Co-Chairs; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:
  - (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
  - (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
  - (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and

- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.
- C. Each Task Force shall have an Executive Committee appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of subcommittees, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). Advisors shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.



V. ***Task Force Budgets***

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The operating budget shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a

Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.

- C. The operating budget shall not be used to cover Task Force meeting expenses associated with alternate task force members' participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The programming budget shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

**VI. *PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS***

- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative members and three alternates to the Task Force who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the appointment cannot be made earlier than thirty days after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing the Task Force Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but

should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.

- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.
- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing new private sector members to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the Task Force Private Sector Co-Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.

- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as advisors to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

## **VII. REMOVAL AND VACANCIES**

- A. The National Chair may remove any Public Sector Task Force Co-Chair from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an Executive Committee or subcommittee from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove any Private Sector Task Force Co-Chair from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any private sector member of an Executive Committee or subcommittee from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an advisor from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may resign from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

- G. All vacancies for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

### **VIII. MEETINGS**

- A. Task Force meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII(H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. Executive Committee meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. At least forty-five days prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or amendment of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. All Task Force meetings are open to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.
- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the appointment letter sent pursuant to Section VI(D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.

- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of Roberts Rules of Order, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A vote on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. No proxy, absentee or advance voting is allowed.
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a Task Force vote by mail or ~~fax~~ any form of electronic communication on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or ~~faxed~~ notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or ~~faxed~~ notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or ~~faxed~~ notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.
- H. For purposes of Sections VIII(A), (B) and (G), an emergency situation can be declared by:
- (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
  - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.

- I. Ten Task Force members shall constitute a quorum for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

IX. **REVIEW AND ADOPTION PROCEDURES**

- A. All Task Force policy statements, model bills or resolutions shall become ALEC policy either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, a formal review by the Board of Directors. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.
- C. A member of the Board of Directors may request a formal review by the Board of Directors. The request must be in writing and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will consist of key members of the Task Force, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
- Notification of Committee: Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
  - Staff Analysis: Will be prepared in a neutral fashion. The analyses will include:
    - History of Task Force action
    - Previous ALEC official action/resolutions
    - Issue before the board
    - Proponents arguments

- Opponents arguments
- Standardized Review Format: To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
  - Task Force Chair(s) will be invited to attend the Board Review
  - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
  - Twenty minutes that is equally divided will be given for both sides to present before the Board.
  - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
  - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
  - All votes will be recorded for the official record.
- Notification of Committee: The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

E. The Board of Directors can:

- (1) Vote to affirm the policy or affirm the policy by taking no action, or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration providing reasons therefore.

F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

**X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.**

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.