AMERICAN LEGISLATIVE EXCHANGE COUNCIL

MEMORANDUM

TO: COMMERCE, INSURANCE AND ECONOMIC DEVELOPMENT TASK FORCE MEMBERS
FROM: COURTNEY O'BRIEN, TASK FORCE DIRECTOR
DATE: APRIL 6, 2012
RE: 35 DAY MAILING—2012 SPRING TASK FORCE SUMMIT

The American Legislative Exchange Council will host its 2012 Spring Task Force Summit **May 11, 2012** at The Westin Charlotte Hotel in **Charlotte, North Carolina.** You may register for the meeting here. The full agenda for the Spring Task Force Summit is available here.

The Commerce, Insurance and Economic Development Task Force will meet on **Friday, May 11, 2012** from **12:45 – 5:15 PM.** From 12:45 – 2 PM, we will meet for a Task Force luncheon, followed by the full Task Force meeting from 2 – 5:15 PM. The Task Force has an exciting agenda including policies on the states' role in the regulation of homeowners insurance, occupational licensing, competitive procurement processes for water and wastewater projects, food service regulation preemption, and public sector collective bargaining policies.

The Labor and Business Regulation Subcommittee will host a conference call to hold an advisory vote on policies to be considered at the Task Force Meeting on **April 17, 2012** from **3:30 to 5:00 PM ET**. Please join us by calling (712) 432-0075; passcode: 448313. Please RSVP to csullivan@alec.org.

The Transportation and Infrastructure Subcommittee will meet on **May 11, 2012** from **8:15-9:15 AM** to hold an advisory vote on "The Open and Fair Competition Act for Water and Wastewater Projects." We will also hold a discussion on the future direction for the Subcommittee.

The Financial Services Subcommittee is not scheduled to meet or hold a call at this time. ALEC staff will contact membership if that should change.

The Task Force will also consider a proposal for the establishment of a Special Advisory Committee for the Review of Model Policies. This Committee will review older models to provide the Task Force a recommendation on amendments, repeals or replacements. Please find attached the draft proposal to be considered during the Task Force meeting. **If any member is interested in participating in this subcommittee, please contact Cara Sullivan at csullivan@alec.org**

ALEC is partnering with InfraAmericas for its 2012 Infrastructure Forum "Investing in American Infrastructure: A New Era of Opportunity: How Public Officials and Private Capital Are Building a Consensus for US P3 Infrastructure Investing" in New York City June 19-20. More details are available in the attached brochure. If there are any additional questions, please contact Stacey McIntyre with InfraAmericas at 207-847-1911 or smcintyre@inframationgroup.com.

Please find the following materials enclosed:

- Commerce, Insurance and Economic Development 2012 Task Force Overview
- Spring Task Force Summit Agenda-at-a-Glance
- Labor and Business Regulation Subcommittee Conference Call Agenda
- Transportation and Infrastructure Subcommittee Agenda
- Task Force Luncheon Invite
- Task Force Meeting Tentative Agenda
- 2011 States and Nation Policy Summit Minutes
- Draft Model Legislation
- SNPS Registration Forms
- ALEC Mission Statement
- Scholarship Policies by Meeting
- ALEC Task Force Operating Procedures

I look forward to seeing all of you in Charlotte! If you have any questions or comments regarding the meeting, please contact me at 202-742-8504 or by e-mail at cobrien@alec.org.

Sincerely,

Courtney O'Brien

Courtney O'Brien
Commerce, Insurance and Economic Development Task Force Director

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Commerce, Insurance and Economic Development Task Force 2012 Overview

ABOUT ALEC

The American Legislative Exchange Council (ALEC) is the nation's largest nonpartisan, individual membership organization of state legislators who share a common commitment to the Jeffersonian principles of individual liberty, limited government, and free markets. ALEC's membership includes almost 2,000 legislators from all 50 states, over 100 Congressional alumni, and more than 300 private sector members, including think tanks, nonprofits, foundations, and corporations. Roughly 1,000 bills are introduced each year that are based upon ALEC's model legislation.

TASK FORCE MEMBERSHIP

ALEC members gain access to a vast network of over 2,000 state legislators in all fifty states who believe in free market principles. Members get maximum value from membership in ALEC by serving on one of our nine Task Forces. As a Task Force member, you have significant access to a committed group of legislators who are passionate about your issue area. Task Forces include private and public sector members, who can both introduce and vote on model legislation at one of our three meetings each year—our Spring Task Force Summit (spring), Annual Meeting (summer), and States and Nation Policy Summit (winter). Further, Task Force members receive support from ALEC staff, helping to track your issues throughout the year, sending ALEC Issue Alerts when an issue consistent with ALEC model legislation arises in a state, and assisting you in other efforts.

ALEC'S COMMERCE, INSURANCE AND ECONOMIC DEVELOPMENT TASK FORCE

Public Sector Members: 146
Private Sector Members: 103

Members of the Commerce, Insurance, and Economic Development (CIED) Task Force believe that economic freedom is the cornerstone of our prosperity. The Task Force works with members to develop policies that enhance competitiveness, promote employment and economic prosperity, encourage innovation, and limit government regulation imposed upon business. The Task Force educates ALEC members through Task Force meetings, issue briefings, policy papers, and special workshops.

The CIED Task Force consists of more than 140 legislators from 40 different states and more than 100 private sector members. Many of the public sector members serve in leadership positions or are heavily-involved on financial, labor, business, transportation and infrastructure issues; 50 of them serve as chair or vice-chair of their respective financial, labor, business, transportation, or infrastructure committees.

Public Sector Chair: Rep. Glenn Vaad, *CO*
Private Sector Chair: Mr. Emory Wilkerson, *State Farm Insurance*

TASK FORCE SUBCOMMITTEES

- Financial Services
- Labor and Business Regulation

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- Transportation and Infrastructure

ISSUE AREAS

- Business and Entrepreneurship
- Employment Policy and Regulatory Reforms
- Financial Services and Consumer Banking
- Government Procurement
- Property and Casualty Insurance
- Transportation and Infrastructure
- Workers' Compensation Reform
- Workers' Rights and Labor Union Reforms

MODEL LEGISLATION

The CIED Task Force has considered and adopted a variety of model resolutions and bills on the above issues. Many of these model bills emphasize free-market solutions that will encourage both growth in the business community and opportunity for workers and consumers. Some notable examples follow:

- State Council on Competitive Government
- Business Exit Interview Act
- Regulatory Flexibility Act
- Multiple Award Schedule Contracts
- Establishing a Public Private Partnership(P3) Authority Act
- Long Term Asset Management Act

MEETING DATES

Spring Task Force Summit: Charlotte, North Carolina, May 11-12
39th Annual Meeting: Salt Lake City, Utah, July 25-28
States & Nation Policy Summit: Washington, D.C., Nov. 28-30

Staff Contact Info

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Agenda

Thursday, May 10, 2012
Registration
3:00 p.m. – 7:00 p.m.

NC Welcome Reception
8:30 p.m. – 11:00 p.m.

Friday, May 11, 2012
Registration
7:30 a.m. – 2:00 p.m.

Task Force Subcommittee Meetings
8:00 a.m. – 9:45 a.m.
All Task Force members are welcome and encouraged to attend their Task Force's Subcommittee meetings.

Digital Learning Subcommittee
8:15 a.m. – 9:15 a.m.

Energy Subcommittee
8:15 a.m – 9:15 a.m.

Fiscal Policy Reform Working Group
8:15 a.m. – 9:15 a.m.

Other Subcommittees to be Determined

Workshop:
9:30 – 10:45
All ALEC members are welcome to attend.

Workshop:
11:00 a.m. – 12:15p.m
All ALEC members are welcome to attend.

Task Force Lunch Meetings
1:00 p.m. – 2:00 p.m.
Task Forces will each begin serving at 12:45 for luncheon.

Task Force Meetings
2:00 p.m. – 5:15 p.m.

- Civil Justice
- Commerce, Insurance, and Economic Development
- Communications and Technology
- Education
- Energy, Environment and Agriculture
- Health and Human Services
- Public Safety and Elections
- Tax and Fiscal Policy

Spring Task Force Summit Reception
6:30 p.m. – 8:30 p.m.

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The Commerce, Insurance,
and Economic Development Task Force
cordially invites you to join us for a

Task Force Luncheon & Presentation

Friday, May 11, 2012
12:45 – 2:00 p.m.
Just prior to the Task Force Meeting
Grand Ballroom A
The Westin Charlotte Hotel

Please join fellow Task Force members to learn
about and discuss current
policy issues related to the Task Force.

Guest speaker and presentation topic to be announced.

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Commerce, Insurance and Economic Development Task Force
2012 Spring Task Force Summit
Friday, May 11, 2012
2:00 PM – 5:15 PM
Grand A
Tentative Agenda

1. **Call to Order** **2:00 PM**
   Attendance
   Approval of Minutes
   Introduction of New Members
   Subcommittee Reports
   State Policy Network Updates

2. **Presentations and Model Legislation** **2:30 PM**

   "Resolution Opposing Regulation Intruding on the States' Traditional Role as the Primary Regulator of Homeowners Insurance"
   Mr. Emory Wilkerson, *State Farm Insurance Company*

   "**The Occupational Licensing Relief and Job Creation Act**"
   Mr. Lee McGrath, *Institute for Justice*

   "The Open and Fair Competition Act for Water and Wastewater Projects"
   Mr. Bruce Hollands, *PVC Pipe Association*

   "Food Nutrition Act"
   Representative Cheryl Grossman, *Ohio*

   "Prohibition on Paid Union Activity (Release Time) by Public Employees Act"
   Dr. Byron Schlomach, *The Goldwater Institute*

   "Public Employee Paycheck Protection Act"
   Dr. Byron Schlomach, *The Goldwater Institute*

   "The Financial Accountability for Public Employee Unions Act"
   Mr. Paul Kersey, *The Mackinac Center*

   "The Election Accountability for Municipal Employees Act"
   Mr. Paul Kersey, *The Mackinac Center*

   "The Decertification Elections Act"
   Mr. Paul Kersey, *The Mackinac Center*

   Establishment of a Special Advisory Subcommittee for the Review of Model Policies
   Mr. Eli Lehrer, *The Heartland Institute*, Task Force Advisor

3. **For the Good of the Order** **5:00 PM**

4. **Adjournment** **5:15 PM**

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Labor and Business Regulation Subcommittee

April 17, 2012
3:30 – 5:00 PM ET

(712) 432-0075
Passcode: 448313

Please RSVP to csullivan@alec.org

Tentative Agenda

3:30 PM **Welcome and Introduction**
Representative Dawn Pettengill, *Iowa*, Public Sector Chair
Mr. Matt Lathrop, *YUM! Brands Inc.*, Private Sector Chair

3:40 PM **Proposed Model Policy and Advisory Vote**

"Prohibition on Paid Union Activity (Release Time) by Public Employees Act"
Dr. Byron Schlomach, *Goldwater Institute*

"Public Employee Paycheck Protection Act"
Dr. Byron Schlomach, *Goldwater Institute*

"The Occupational Licensing Relief and Job Creation Act"
Mr. Lee McGrath, *Institute for Justice*

"The Financial Accountability for Public Employee Unions Act"
Mr. Paul Kersey, *Mackinac Center*

"The Election Accountability for Municipal Employees Act"
Mr. Paul Kersey, *Mackinac Center*

"The Decertification Elections Act"
Mr. Paul Kersey, *Mackinac Center*

"Food Nutrition Act"
Representative Cheryl Grossman, *Ohio*

4:55 PM **For the Good of the Order**

5:00PM **Adjournment**

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Transportation and Infrastructure Subcommittee

May 11, 2012
8:15 AM – 9:15 AM
Room TBA

Tentative Agenda

8:15 AM	**Welcome and Introduction** Delegate John Cosgrove, *Virginia*, Public Sector Chair Mr. Geoff Segal, *Macquarie Capital*, Private Sector Chair
8:20 AM	**Proposed Model Policy and Advisory Vote** **"The Open and Fair Competition Act for Water and Wastewater Projects"** Mr. Bruce Hollands, *PVC Pipe Association*
8:40 AM	**Presentation TBA**
8:50 AM	**Discussion: The Task Force and Transportation and Infrastructure Policies: Looking Forward** Moderated by Mr. Geoff Segal, *Macquarie Capital*
9:10 AM	**For the Good of the Order**
9:15 AM	**Adjournment**

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American Legislative Exchange Council
Commerce, Insurance and Economic Development Task Force
2011 States and Nation Policy Summit
December 1, 2011

I. Preliminaries

The Task Force approved the minutes from Annual Meeting 2011 by a unanimous voice vote.

II. Subcommittee Reports

1. Labor and Business Regulation Subcommittee – Representative Dawn Pettengill, *Iowa*

The Subcommittee held a conference call on Monday, November 7th, 2011. Mr. Wayne Weikel, *International Franchisers Association*, presented the "Resolution on the Misapplication of Employee Classification Laws" and the subcommittee took an advisory vote on the model resolution. The resolution passed both the public and private sector by unanimous voice vote and was recommended to the Task Force.

2. Transportation and Infrastructure Subcommittee – Representative Dawn Pettengill, *Iowa*

The Subcommittee met on the morning of Wednesday, November 30th, 2011. Representative Chuck Martin, *Georgia*, and Senator Chip Rogers, *Georgia*, (co-presenter) presented the "Resolution to Restore Transportation to the States." The resolution passed both the public and private sector by unanimous voice vote and was recommended to the Task Force. The Subcommittee then hosted a panel, "Keeping Rail on Track: A Q&A with Rail Industry Leaders" moderated by Mr. Geoff Segal, *Macquarie Capital*, and featuring Mr. Jim Kvedaras, *Canadian National Railway*, Mr. Craig Camuso, *CSX*, and Ms. LaDonna DiCamillo, *BNSF*.

3. Financial Services Subcommittee – There is no update at this time.

III. Presentations

1. Panel: "Natural Disaster in 2011: Responding to Catastrophe" – Mr. Emory Wilkerson, *State Farm Insurance* (moderator), Mr. Eli Lehrer, *The Heartland Institute*, Mr. Jim Whittle, *American Insurance Association*, Mr. Paul Wilkening, *Oklahoma Department of Insurance*, and Ms. Angela Nelson, *Missouri Department of Insurance*.

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IV. Consideration of Model Legislation

1. "Resolution on the Misapplication of Employee Classification Laws" – by Mr. Wayne Weikel, *International Franchise Association*

This Resolution recognizes that business format franchising is a major contributor to the United States economy. The resolution also recognizes that franchising is a contractual business relationship, not akin to an employment relationship.

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

2. "Legal Tender Act" – by Mr. Richard Danker, *American Principles Project*

Triple Referred with the Commerce, Insurance and Economic Development and the International Relations Task Forces.

This Act recognizes gold and silver coins as legal tender free of taxation in the state under the authority of Article I Section 10 of the U.S. Constitution to recognize gold and silver coins as legal tender, and provides that a committee will study further developments for sound monetary policy in the state in order to provide a competitive means for preserving the purchasing power of the earnings and savings of the citizens of [insert state].

Motion to table the model legislation for further consideration; failed public sector; **Motion to Table Failed.**

Motion to amend the model legislation by striking Section 6; passed public sector unanimously; passed private sector unanimously; **Amendment Passed.**

Motion to adopt the model legislation as amended; failed the public sector; **Bill Failed.**

3. "Resolution to Restore Transportation to the States" – by Representative Chuck Martin, *Georgia*, and Senator Chip Rogers, *Georgia* (co-presenter)

This Resolution empowers the state of [insert state] to manage gas tax dollars without federal government interference.

Motion to amend the model legislation on line 36 by inserting: "or reduce" after "cease"; motion to amend failed the public sector; **Amendment Failed.**

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

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4. "Resolution in Support of Payroll Cards" – by Ms. Kate Viar, *VISA*

This resolution opposes recent efforts to over-regulate payroll card laws, such as unreasonable mandates on employers to provide programs that require free banking services which will ultimately increase the cost of payroll card provision, reduce the likelihood of their use, and consequently, their benefits.

Motion to amend the model resolution by changing the title from "Resolution in Support of Payroll Cards" to "Resolution Opposing Overregulation of Payroll Cards"; passed the public sector unanimously; passed the private sector unanimously; **Amendment Passed.**

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

5. "Competitive Private Professional Certification Act" –by Representative Tom Forese, *Arizona*, and Mr. Bryon Schlomach, *The Goldwater Institute* (co-presenter)

Dual referred with the Public Safety & Elections Task Force.

Government licensing of professions is often justified on the basis that it protects health and safety and that it allows members of a profession to signal that potential customers can be assured of a minimum level of quality. This arguably enhances market outcomes and opportunity. On the other hand, licensing has the effect of creating monopoly-type benefits for those in a licensed profession at the expense of consumers and at the expense of others willing to provide a quality service. Often, economists have recommended certification as an alternative to licensing but certification is difficult to enforce privately with reliance on civil action. Government certification looks a lot like licensing. This model bill proposes private certification enforced by criminal law. There can be multiple private certifying organizations for similar professions and individuals could practice a profession without any certification at all (unless the profession is licensed). Professionals can signal quality with their certification credentials credibly enforced through criminal law while not blocking others from practicing the profession.

Motion to refer the model legislation to the Labor and Business Regulation Subcommittee; motion passed the public sector unanimously; motion passed the private sector unanimously; **Bill Referred to Labor and Business Regulation Subcommittee.**

V. For the Good of the Order

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VI. Adjournment

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DRAFT - Establishment of a Special Advisory Subcommittee for the Review of Model Policies

WHEREAS, The American Legislative Exchange Council's Task Force on Commerce, Insurance, and Economic Development has considered several hundred model proposals and;

WHEREAS, it is to the benefit of the Task Force to assure that these bills reflect the current policy, values, and interests of ALEC;

THEREFORE, the Commerce, Insurance, and Economic Development Task Force adopts the following procedures for purposes of its internal operations:

SECTION 1. {Establishment, Charge, and Composition of Special Advisory Subcommittee}

(A) The American Legislative Exchange Council's Commerce, Insurance, and Economic Development Task Force herby establishes a Special Advisory Subcommittee for the Review of Task Force Model Policies.

(B) The Special Advisory Subcommittee for the Review of Model Policies (hereafter "the Subcommittee") shall be an advisory body charged with reviewing Task Force model policy and making recommendations to the Task Force.

(C) The Subcommittee shall review and make recommendations to the Task Force on model policy approved by the Commerce, Insurance, and Economic Development Task Force.

(D) The Subcommittee shall consist of:

(1) The Public Sector Task Force Chair

(2) The Private Sector Task Force Chair

(3) One member of the Task Force designated by the Public Sector Task Force Chair

(4) One member of the Task Force designated by the Private Sector Task Force Chair

(E) The Task Force Advisor and Task Force Director shall serve as ex officio members of the subcommittee but shall not vote.

SECTION 2. {Reports and Content of Reports}

(A) Immediately following the Task Force's approval of this proposal, the Task Force Advisor will present to the Task Force a list of bills to be considered in the first report

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of the Subcommittee.

(1) Within one week of the approval of this proposal the Task Force Director will send out a list of the models to be considered in the first report to the entire Task Force and initiate an "open commentary" period.

(2) During this period, Task Force members may send comments regarding the models directly to the Task Force Director for submission to the Subcommittee.

(B) The Subcommittee shall submit to the Task Force Director, at least forty five days prior to its next Task Force meeting following the meeting at which this proposal is approved, a report. The Task Force Director will then transmit to the Task Force, at least thirty five days prior to its next in-person meetings following the meeting at which this proposal is approved, that report.

(C) Each report shall contain a summary of each model bill considered, a subcommittee recommendation regarding that bill, and a brief description of the reasoning behind that recommendation.

(D) The Subcommittee shall make one of four recommendations regarding each bill. The recommendations shall be as follows:

(1) Retain: This represents the Subcommittee's recommendation that the model bill should be retained without modification.

(2) Repeal: This represents the Subcommittee's recommendation that the model bill should be repealed subject to the approval of the ALEC Legislative Board.

(3) Make Technical Amendments: The represents the subcommittees' recommendation that the fundamental principles, gist, and impact of the model legislation are and ought to be consistent with ALEC policy going forward but that certain minor modifications are necessary to bring the bill into conformity with current realities. When technical amendments are proposed, a specific list of such amendments shall be included in the report. Topics for technical amendments include but are not limited to updates to the titles of government agencies, changes to dates, and changes in terminology to reflect changes in technology, custom, and common usage as well as corrections to grammar and spelling.

(4) Further Review by a Subcommittee or the Task Force as a Whole: This represents the Subcommittee's recommendation that a particular subcommittee or the Task Force as a whole consider specific amendments and modifications to the model bill that have the impact of changing its fundamental principles, gist, or impact.

(E) Each report shall be approved by a majority of members of the subcommittee before it is submitted to the Task Force as a whole. Any member of the committee voting

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against the report or any portion of the report will be allowed to provide an advisory "minority report" outlining reasons for dissent.

(F) Subsequent reports will be provided at the discretion of the Subcommittee's members.

(1) Subsequent to any additional report, the task force advisor shall present to the task force a list of bills to be reviewed.

(2) All subsequent report shall follow the procedures in sections (A), (B), (C), (D) and (E) above.

Section 3. {Procedures Relating to Reports and Models}

(A) Each report shall be voted on by the Task Force as a whole under special rules of procedure:

(1) Initial debate on the report shall be limited to 30 minutes.

(2) Approval of the report will require majority support by both the public and private sectors

(3) If a report is rejected by either the public sector or the private sector of the Task Force, any member of the Task Force may immediately make a privileged, non-debatable motion to consider any single model proposal mentioned in the report separately from the report as a whole.

(4) Such a motion, if successful, will require in an immediate vote by both public and private sectors on the recommendation in question.

(5) Subsequent to votes on motions described in (2) and (3) the task force shall vote on the report again, deleting all provisions that have been subject to such motions.

(B) Following the approval of a report, the Task Force Director shall prepare the following:

(1) A list of model proposals to be repealed that shall be forwarded to the ALEC Legislative Board for its approval.

(2) A list of model proposals to receive technical amendments to be forwarded to the ALEC Legislative Board for its approval.

(C) All model bills suggested for further review from subcommittees or the Task Force as a whole shall be scheduled for discussion in the appropriate forum.

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(1) Any individual or group of individuals who are members of the Task Force may serve as sponsors of any piece of legislation being considered for further review.

(2) In the event that multiple groups or individuals wish to serve as a sponsor, the group with more members of the Task Force will be designated as the "lead" sponsor and others will be assured the ability to offer their proposals as amendments.

(3) In the event that no individual steps forward to serve as the sponsor of the model legislation being recommended for review, the Task Force Advisor will serve as the bill sponsor for purposes of debate and discussion and shall have an affirmative responsibility to work for the passage of the committee's recommendations but will not have a vote on the matters concerning it.

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DRAFT Resolution Opposing Regulation Intruding on the States' Traditional Role as the Primary Regulator of Homeowners' Insurance

Summary

This Resolution upholds the McCarran-Ferguson Act and reserves the primacy of homeowners' insurance regulation to the states by opposing the listing of the provision and pricing of homeowners' insurance by the U.S. Department of Housing and Urban Development as an example of a housing policy that may have a disparate impact on a specific group of persons.

Model Resolution

WHEREAS, the United States Department of Housing and Urban Development published notice of a proposed rule in the Federal Register on November 16, 2011, titled "Implementation of the Fair Housing Act's Discriminatory Effects Standard"; and

WHEREAS, the purpose of the proposal is to establish a uniform standard of liability for facially neutral housing practices that have a discriminatory effect; and

WHEREAS, the proposed regulation would add language to existing Fair Housing Act regulations confirming such Act may be violated by a housing practice that has a discriminatory effect regardless of whether the practice was adopted for a discriminatory purpose; and

WHEREAS, under the proposed rule a discriminatory effect is deemed to occur where a facially neutral housing practice actually or predictably results in a discriminatory effect on a group of persons (i.e., causes a disparate impact); and

WHEREAS, the proposed rule lists the provision and pricing of homeowners' insurance as an example of a housing policy or practice that may have a disparate impact on a class of persons protected by the Fair Housing Act; and

WHEREAS, Congress specifically reserved the primacy of homeowners insurance regulation to the States with passage of the McCarran-Ferguson Act; and

WHEREAS, federal and state courts consistently reject challenges to homeowners insurance pricing practices on the basis of disparate impact in order to preserve state regulation of insurance underwriting and rating practices in accordance with the McCarran-Ferguson Act; and

WHEREAS, the proposed regulation could erode existing state laws that comprehensively regulate the provision and pricing of homeowner's insurance; and

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WHEREAS, the erosion of the authority of the States to regulate insurance could harm consumers and the insurance marketplace by creating uncertainty and by inciting costly and unnecessary litigation,

THEREFORE, BE IT RESOLVED that American Legislative Exchange Council (ALEC) supports the legislative intent of Congress as expressed in the McCarran-Ferguson Act to reserve the primacy of regulation of homeowners insurance to the States and expressly disclaim from the purview of the proposed rule any impact on the underwriting, rating or availability of homeowners insurance; and

BE IT FURTHER RESOLVED that ALEC supports the current authority of the States to regulate insurance under the McCarran Ferguson Act.

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DRAFT The Occupational Licensing Relief and Job Creation Act

Summary

Occupational licensing increases unemployment by about 1%, raises prices by about 15%, and offers no incremental consumer protection over a competitive market. This Act ensures that an individual may pursue lawful occupation free from unnecessary occupational regulations, and protects against the use of occupational regulations to reduce competition and increase prices to consumers. When enacting future occupational regulations, this Act requires state legislatures to find real harm, and select the least-restrictive regulation to address that harm. The Act also protects entrepreneurs by shifting the burden to the government to show in court and administrative hearings that it is enforcing occupational laws for health-and-safety reasons, and not solely as a barrier to entry.

Model Legislation

Section 1. {Purpose}

This Act's purpose is to:

(A) Ensure that an individual may pursue a lawful occupation free from unnecessary occupational regulations, and

(B) Protect against the misuse of occupational regulations to reduce competition and increase prices to consumers.

Section 2. {Definitions} The following definitions apply in this Act:

(A) "Business license" means a permit, registration, certification, franchise or other approval required by law for a sole proprietorship, partnership or corporate entity to do business.

(B) "Certification" is a voluntary program in which the government grants nontransferable recognition to an individual who meets personal qualifications established by a legislative body. Upon approval, the individual may use "certified" as a designated title. A non-certified individual may also perform the lawful occupation for compensation but may not use the title "certified." "Certification" is not intended to be synonymous with an "occupational license" in this Act or to prohibit the use of private certification.

(C) "Court" means any court, administrative tribunal or other government agency acting in a judicial or quasi-judicial capacity.

(D) "Government" means the government of this state or any of its political subdivisions.

(E) "Lawful occupation" means a course of conduct, pursuit or profession that includes the sale of goods or services that are not themselves illegal to sell irrespective of whether the individual selling them is subject to an occupational regulation.

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(F) "Least restrictive means of furthering a compelling governmental interest" means, from least to most restrictive,

(1) A provision for private civil action to remedy consumer harm,

(2) Inspection,

(3) Bonding or insurance,

(4) Registration,

(5) Certification, or

(6) Occupational license.

(G) "Occupational license" is a nontransferable authorization in law for an individual to perform a lawful occupation for compensation based on meeting personal qualifications established by a legislative body. It is illegal for an individual who does not possess an occupational license to perform the occupation for compensation. Occupational licensing is the most restrictive form of occupational regulation.

(H) "Occupational regulation" means a statute, ordinance, rule, practice, policy or other requirement in law for an individual to work in a lawful occupation. It excludes a business license and zoning and land use regulations except to the extent those laws regulate an individual's personal qualifications to perform a lawful occupation.

(I) "Personal qualifications" are criteria established by a legislative body related to an individual's personal background including completion of an approved educational program, satisfactory performance on an examination, work experience, moral standing and completion of continuing education.

(J) "Registration" means a requirement established by a legislative body in which an individual gives notice to the government that may include the individual's name and address, the individual's agent for service of process, the location of the activity to be performed, and a description of the service the individual provides. "Registration" does not include personal qualifications but may require a bond or insurance. Upon approval, the individual may use "registered" as a designated title. A non-registered individual may not perform the occupation for compensation or use "registered" as a designated title. "Registration" is not transferable. It is not intended to be synonymous with an "occupational license" in this Act or to prohibit the use of private registration.

(K) "Substantial burden" means a legal or other regulatory obstacle that imposes significant difficulty or cost on an individual seeking to enter into or continue in a lawful occupation. A substantial burden is a burden that is more than incidental.

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Section 3. {Right to engage in a lawful occupation}

(A) An individual has a right to engage in a lawful occupation free from any substantial burden in the form of an occupational regulation unless the government demonstrates

(1) It has a compelling interest in protecting against present and recognizable harm to the public health or safety, and

(2) The occupational regulation is the least restrictive means of furthering that compelling interest.

(B) Defense and Relief

(1) An individual may assert as a defense the right to engage in a lawful occupation in any judicial or administrative proceeding brought by the government to enforce an occupational regulation that violates Section 3, Subsection (A).

(2) An individual may bring an action for declaratory judgment or injunctive or other equitable relief for a violation of Section 3, Subsection (A) by the government.

(3) An individual may assert as a defense or bring an action against the enforceability of an occupational regulation, pursuant to Subsections (1) and (2), which is:

(a) In law at the effective date of this Act; or

(b) Enacted, adopted or amended after the effective date of this Act and does not include in state statute an explicit exemption from this Act.

(4) An individual who asserts a defense or brings an action under this section has the initial burden of proof that an occupational regulation substantially burdens the individual's right to engage in a lawful occupation.

(5) If the individual meets the burden of proof under Subsection (4), the government must demonstrate by clear and convincing evidence that the government has a compelling interest in protecting against present and recognizable harm to the public health or safety, and the occupational regulation is the least restrictive means for furthering that compelling interest.

(C) A court shall liberally construe this Act to protect the right established in Subsection (A) of this section. A court shall make its own findings of fact and conclusions of law. It shall not grant any presumption to legislative or administrative determinations of harm to the public health or safety, or that the regulation is the least restrictive means of furthering a compelling governmental interest.

(D) Nothing in this section shall be construed to create a right of action against a private party or to require a private party to do business with an individual who is not licensed, certified or registered with the government.

COMMON CAUSE
Holding Power Accountable

Section 4. {Federal law's use of state occupational regulations}

(A) Nothing in this section shall be construed to create a right of action against the federal government for its use of a state occupational regulation in federal law.

Section 5. {Exemption} [Optional]. This Act does not apply to an occupational regulation of an individual who is a [insert type of occupation to be exempted].

Section 6. {Severability Clause}

Section 7. {Repealer Clause}

Section 8. {Effective Date}

COMMON CAUSE
Holding Power Accountable

DRAFT The Open and Fair Competition Act for Water and Wastewater Projects

Summary

It is the intention of this Act to ensure that all proven and acceptable piping materials must be included in all bids for water and wastewater projects. This promotion of free competition will ensure limited government resources are being used to the greatest advantage.

Model Legislation

{Title, Enacting clause, etc.}

Be it enacted by the legislature of the state of [insert state].

Section 1. {Definitions}

(A) Governmental agency refers to any state agency, state district, city, county, city and county, including a chartered city or county, school district, community college district, public district, county board of education, joint powers authority, water or sewer district, special district, or any other public or municipal corporation.

(B) A piping material is considered proven and acceptable if it meets current and recognized standards as issued by the American Society for Testing and Materials (ASTM) and the American Water Works Association (AWWA) and other recognized standards and certification agencies. The goal is to construct a project at the best price and best value for system customers and taxpayers.

(C) Best price and best value refers to a combination of project quality, sustainability, durability, corrosion resistance, price and outcomes that taken together provides the most benefit to taxpayers for long-term asset management.

Section 2. {Findings}

(A) The nation's water and sewer infrastructure is deteriorating and is corroding at an alarming rate. At the same time, complying with the Safe Drinking Water Act and Clean Water Act requires extensive upgrades of many water and sewer systems/utilities.

(B) According to a 2002 congressional study, corrosion is a drag on the U.S. economy, costing U.S. drinking water and wastewater systems more than $50.7 billion annually. Corroding piping materials have also contributed to the decline of water quality and are responsible for a staggering amount of water loss each year. All told, leaking, corroding

COMMON CAUSE
Holding Power Accountable

pipes lose some 2.6 million gallons of drinking water every year or 17 percent of all water pumped in the United States.[1]

(C) The majority (60 percent) of replacement costs are for water transmission and distribution and sewer pipes. Building and replacing water and sewer lines alone will cost some $600 billion to $1.1 trillion over the next 20 years.

(D) The easiest way for water and sewer utilities to reduce costs, drive innovation and more effectively manage their underground infrastructure is to ensure all approved piping materials and technologies get considered in bidding processes.

(E) Considering all approved piping materials and technologies will maximize scarce federal and state funding for state revolving funds and other grants provided to localities.

(F) Sound infrastructure asset management principle should be applied, which will ensure that only the longest lasting and most efficient pipe is used with the lowest operations and maintenance costs.

Section 3. {Application}

(A) It is the intent of the Legislature that:

(1) State and local government agencies have the authority to engage in open competitive bidding to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate water and wastewater utilities.

(2) When or where any state or local taxpayer dollars/grants are used to fund, for example through State Revolving Funds (SRFs), any water or wastewater project, all procurement transactions for piping and other materials shall be conducted in a manner that provides for maximum open and free competition. All proven and acceptable piping materials must be included in all bids

(3) This Act creates no new governmental agencies.

(4) This Act specifically prohibits practices that may result in unlawful activity including, but not limited to, rebates, kickbacks, or other unlawful considerations, and prohibits government entity employees from participating in the selection process when those employees have a relationship with private entities seeking a contract under this Act or as proscribed by existing state or local contracting law.

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[1] CC Technologies Laboratories, Inc. Sponsored by the Office of Infrastructure Research and Development, Federal Highway Administration. (September 30, 2001). *Corrosion Cost and Preventative Strategies in the United States* Retrieved February 28, 2012.

COMMON CAUSE
Holding Power Accountable

(5) This Act serves to ensure that open procurement procedures are utilized in the selection of piping materials for water and wastewater infrastructure projects undertaken by state or local agencies where state funding is used.

Section 4. {Severability clause}

Section 5. {Repealer clause}

Section 6. {Effective date}

COMMON CAUSE
Holding Power Accountable

DRAFT Food and Nutrition Act

Summary

The Food and Nutrition Act preempts towns, counties and other political subdivisions from enacting regulation in regards to food service establishments based upon or regarding food nutrition information, customer incentive items, and a restaurant's designation as quick-service, fast food, casual dining, or sit-down service.

Model Legislation

Section 1. {Definitions}

(A) "Food nutrition information" includes, but is not limited to, the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin, mineral, and sodium, and allergen content of food. "Food nutrition information" also includes the designation of food as healthy or unhealthy.

(B) "Political subdivision" means any agency, department, commission, authority, or other governmental instrumentality hierarchically below the state level.

(C) "Local legislation" is any governing action taken by a political subdivision.

(D) "Consumer incentive item" means any licensed media character, toy, game, trading card, contest, point accumulation, club membership, admission ticket, token, code or password for digital access, coupon, voucher, incentive, crayons, coloring placemats, or other premium, prize, or consumer product that is associated with a meal served by or acquired from a food service operation.

(E) "Responsible state agency" means the agency, department, commission, authority, or other instrumentality of the state responsible for the provision of the public service which is responsible for regulation and provision of food nutrition information and consumer incentive items at food service operations.

Section 2. {Reservation of State Rights}

(A) The responsible state agency has sole and exclusive authority in this state to regulate the provision of food nutrition information and consumer incentive items at food service operations. The agency may adopt rules for that purpose pursuant with state code, including rules that establish a schedule of civil penalties for violations of this section and rules adopted under it. Subject to state code, portions of the rules may be adopted by referencing all or any part of any federal regulations pertaining to the provision of food nutrition information and consumer incentive items.

(B) The regulation of the provision of food nutrition information and consumer incentive items at food service operations and how food service operations are characterized are

COMMON CAUSE
Holding Power Accountable

matters of general statewide interest that require statewide regulation, and rules adopted under this section constitute a comprehensive plan with respect to all aspects of the regulation of the provision of food nutrition information and consumer incentive items at food service operations in this state.

(C) Rules adopted under this section shall be applied uniformly throughout this state.

Section 3. {Ban on Subdivision Action}

(A) No political subdivision shall do any of the following:

(1) Enact, adopt, or continue in effect local legislation relating to the provision or non-provision of food nutrition information or consumer incentive items at food service operations;

(2) Condition any license, permit, or regulatory approval upon the provision or non-provision of food nutrition information or consumer incentive items at food service operations;

(3) Ban, prohibit, or otherwise restrict food at food service operations based upon the food's nutrition information or upon the provision or non-provision of consumer incentive items;

(4) Condition any license, permit, or regulatory approval for a food service operation upon the existence or non-existence of food-based health disparities;

(5) Where food service operations are permitted to operate, ban, prohibit, or otherwise restrict a food service operation based upon the existence or non-existence of food-based health disparities as recognized by the department of health, the institute of health, or the centers for disease control.

Section 4 {Severability clause}

Section 5. {Repealer clause}

Section 6. {Effective date}

COMMON CAUSE
Holding Power Accountable

DRAFT Prohibition on Paid Union Activity (Release Time) by Public Employees Act

Summary

This Act prohibits "release time"—the practice of paying a public employee a public salary for time spent in union recruiting and representation activities. In some cases, public employees have become full-time union activists, drawing a full-time public salary and enjoying publicly paid benefits such as health insurance and pension earnings while doing so. While public employees should not be prohibited from freely associating outside of their employment duties, including hiring individuals to help represent their interests, this should occur at public employee, not taxpayer, expense.

Model Legislation

Section 1. {Definitions} The following definitions apply in this Act:

(A) "Employment bargain" means any formal or informal employment contract, agreement or understanding regarding the wages, benefits or terms and conditions of employment of any public employee.

(B) "Public employee" means any individual who is employed by a public employer.

(C) "Public employer" means any branch, department, division, office, agency or political subdivision of this state that has employees.

(D) "Union" means any association or organization, incorporated or unincorporated, that primarily exists to represent the interests of member employees in wages, benefits and terms and conditions of employment.

(E) "Union activities" means activities that are performed by a union, union members or representatives that relate to advocating the interests of member employees in wages, benefits, terms and conditions of employment or the enforcement, fulfillment or advancement of the union's organizational purposes, obligations, external relations or internal policies and procedures.

Section 2. {Prohibition Against Compensation for Public Employee Union Activities}

(A) A public employer shall not enter into any employment bargain with any public employee or union to compensate any public employee or third party for union activities. Any employment bargain that includes compensation to public employees or third parties for union activities is declared to be against the public policy of this state and is void.

(B) This section does not prohibit a public employee from receiving compensated leave time for any personal purpose, provided that such compensated leave time is not knowingly taken or given to compensate for union activities.

COMMON CAUSE
Holding Power Accountable

(C) This section does not apply to any existing non-executory contracts in effect before the effective date of this section but an existing contract shall not be renewed if the contract has any terms that conflict with this section.

(D) The attorney general shall enforce this section. Any taxpayer of the jurisdiction in which a violation of this section occurs has standing in any court of record to bring a special action against any agent or agency of this state or its political subdivisions to remedy any violation of any provision of this section.

Section 3.{State preemption of inconsistent local laws}

(A) The regulation of public sector union employment bargains is a matter of statewide concern and is not subject to further inconsistent regulation by a county, city, town or other political subdivision of this state. This article preempts all inconsistent rules, regulations, codes, ordinances and other laws adopted by a county, city, town or other political subdivision of this state regarding public sector union employment bargains.

Section 4. {Severability clause}

Section 5. {Repealer clause}

Section 6. {Effective date}

COMMON CAUSE
Holding Power Accountable

DRAFT Public Employee Paycheck Protection Act

Summary

Though states have broad authority to allow deductions from individuals' paychecks if those individuals request or allow it, a one-time permission should not suffice to allow any kind of deduction to occur for the duration of an employee's employment, be it for charitable donations, employee benefits, or union dues. This Act would require that yearly express permission be given by individual employees to allow dues and other optional deductions from their paychecks to occur.

Model Legislation

Section 1. {Yearly Employee Paycheck Deductions Approval Required}

(A) For deductions after [insert appropriate date], a public employer in this state shall not deduct any third party payment from an employee's paycheck unless the employee annually provides express written or electronic authorization to the employer for the deduction.

(B) The attorney general shall adopt rules that describe the acceptable forms of employee authorization and entity statements under this section.

(C) If a public employer knowingly deducts payments in violation of Subsection (A) of this Section, the employer is subject to a civil penalty of at least ten thousand dollars for each violation. The attorney general shall impose and collect the civil penalties under this Subsection and shall deposit all civil penalties collected pursuant to this section in the state general fund.

(D) This Section does not apply to any of the following:

(1) Deductions for employee health care.

(2) Deductions for state, local or federal taxes.

(3) Any deduction otherwise required by law, including contributions or deductions to a state retirement system or other standard retirement benefit contributions.

(E) If an employee has authorized a deduction from the employee's paycheck under this section and the employee resigns membership in the association or organization for which the deduction was authorized, the employee's authorization for the deduction is rescinded upon the employer's receipt from the employee of written notice of the resignation. The employer shall have one pay period to process the rescission.

(F) This Section does not preempt any federal law.

(G) For the purposes of this Section, "public employer" means the state and any subdivision thereof.

COMMON CAUSE
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Section 2. {Severability clause}

Section 3. {Repealer clause}

Section 4. {Effective date}

COMMON CAUSE
Holding Power Accountable

DRAFT The Financial Accountability for Public Employee Unions Act

Summary

This Act increases transparency and accountability to taxpayers by requiring public employee unions to annually file an independent audit of all expenditures attributed to the costs of collective bargaining, contract administration and grievance adjustment.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Definitions} For the purposes of this Act:

(A) "Exclusive bargaining representative" refers to an individual who serves as a representative of a labor organization.

(B) "Public employee" means any individual employed by any state or local government, government agency, government instrumentality, special district, joint powers authority, school board or special purpose organization that employs one or more persons in any capacity.

(C) "Collective bargaining" refers to the performance of the mutual obligation of the representatives of the public employer and the labor organization designated as an exclusive bargaining representative to meet and bargain in good faith in an effort to reach written agreement with respect to wages, hours, and terms and conditions of employment.

(D) "Contract administration" refers to the administrative activities associated with handling contracts, including but not limited to invitations to bid, bid evaluations, award of contracts, contract implementation, measurement of work completed and computation of payments. It also includes addressing problems related to contract relationships, making necessary or important changes in the contract and interactively engaging the contractor to achieve the contract's objectives.

(E) "Grievance adjustment" refers to the process by which a dispute between a public employee, or group of public employees, and an employer over an act, omission or occurrence which a public employee feels constitutes an injustice related to any condition arising out of employment is resolved.

(F) "Commission" refers to the state labor board, or any body that oversees labor relations in the state.

Section 2. {Financial Reporting Requirement}

(A) By [insert date here] of each year, each exclusive bargaining representative that represents public employees in this state shall file with the commission an independent

COMMON CAUSE
Holding Power Accountable

audit of all expenditures attributed to the costs of collective bargaining, contract administration, and grievance adjustment during the prior calendar year.

Section 3. {Publically Available Audits}

(A) The commission shall make the audits available to the public on the commission's website.

Section 4. {Appropriations}

(A) For fiscal year 201X-201X, $ [insert sum here] is appropriated to the commission for the costs of implementing this Subsection.

Section 5. {Severability Clause}

Section 6. {Repealer Clause}

Section 7. {Effective Date}

COMMON CAUSE
Holding Power Accountable

DRAFT The Election Accountability for Municipal Employee Union Representatives Act

Summary

This Act ensures that employees' choice of representation is a priority by requiring that the state labor board regularly conduct an election to ensure that the representative of a collective bargaining unit that contains a general municipal employee accurately represents the choice of employees.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Definitions}

(A) "The Commission" refers to the state labor board or any body that oversees labor relations in the state.

Section 2. {Representation Elections}

(A) The Commission shall conduct an election every [three to five] years to certify the representative of the collective bargaining unit that contains a general municipal employee.

(B) The election shall occur no later than December 1 for a collective bargaining unit containing school district employees and no later than May 1 for a collective bargaining unit containing general municipal employees who are not school district employees.

(C) The Commission shall certify any representative that receives at least 51 percent of the votes of all the general municipal employees in the collective bargaining unit.

(D) If no representative receives at least 51 percent of the votes of all of the general municipal employees in the collective bargaining unit, at the expiration of the collective bargaining agreement, the Commission shall decertify the current representative and the general municipal employees shall be nonrepresented.

(E) If a representative is decertified under Subsection (D) of this Section, the affected general municipal employees may not be included in a substantially similar collective bargaining unit for 12 months from the date of decertification.

Section 3. {Severability Clause}

Section 4. {Repealer Clause}

Section 5. {Effective Date}

COMMON CAUSE
Holding Power Accountable

DRAFT The Decertification Elections Act

Summary

Workers are entitled to seek an election to determine if a majority of their coworkers want to drop union representation. Decertification elections allow workers to decide if and how they want to be represented by a union. This Act provides for worker choice by lowering the number of petition signatures necessary to trigger a decertification election and expanding the time in which a petition to decertify may be filed.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Definitions}

(A) "Petition to decertify" means a petition requesting the removal or substitution of a labor organization representative.

(B) "The Commission" refers to the state labor board or any body that oversees labor relations in the state.

(C) "Labor organization" refers to any association or organization of employees, and any agency, employee representation committee, or plan in which employees participate that exists, in whole or in part, to advocate on behalf of employees about grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(D) "Majority of bargaining unit members" refers to over 51 percent of total members, not just those voting.

Section 2. {Petitions to Decertify}

(A) Upon the presentation of a petition requesting the removal of a labor organization representative or substitution of another representative, said petition bearing the signatures of 10 percent of the members of the bargaining unit, the Commission shall schedule an election no earlier than 30 days and no later than 60 days after the filing of the petition.

(B) If within 15 days after a petition to decertify a representative is filed with the Commission, a second labor organization files a petition to represent the same bargaining unit, bearing the signatures of 10 percent of the members of the bargaining unit, the labor organization named in the second petition shall be included on the ballot.

(C) A petition to decertify a representative may not be filed for a year after a representative is certified, but may be filed at any other time.

COMMON CAUSE
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(D) If a representative fails to receive the support of a majority of bargaining unit members he or she shall be immediately decertified.

(E) All elections held pursuant to this section shall be held by secret ballot.

(F) "No representation" shall be included as an option on the ballot.

(G) In any election, if a labor organization other than the current representative receives the support of a majority of bargaining unit members, it shall be immediately certified as the representative by the Commission.

(H) If a majority of bargaining unit members indicates support for a representative as opposed to no collective representation, but no single labor organization receives the support of a majority of bargaining unit members, the Commission shall schedule a second election within 60 days, in which bargaining unit members may choose between the labor organization receiving the most votes and no representative.

(I) The Commission shall promulgate rules for the resolution of disputes regarding the filing of petitions for the removal and substitution of representatives, and the holding of elections, that are consistent with this section.

Section 3. {Severability Clause}

Section 4. {Repealer Clause}

Section 5. {Effective Date}

COMMON CAUSE
Holding Power Accountable

2012 ALEC SPRING TASK FORCE SUMMIT

May 11, 2012

The Westin Charlotte Hotel
601 South College Street ● Charlotte, NC 28202

charlotte, north carolina
may 11, 2012
spring task force summit

ATTENDEE REGISTRATION / HOUSING FORM

Early registration deadline: April 5, 2012
Housing cut-off date: April 5, 2012

Online
www.alec.org

Fax ***(credit cards only)***
202.331.1344

Phone / Questions
Registration 202.742.8538 (Mon-Fri, 9am-5:00 pm Eastern)
Housing 1.866.837.4148

ATTENDEE INFORMATION

Prefix *(required)* ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other _____

Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____

Title _____

Organization *(required)* _____

Primary Address ☐ Business ☐ Home _____

City _____ State/Province _____ Country _____ ZIP/Postal code _____

Daytime phone _____ Fax _____ Alternate phone _____

Email *(confirmation will be sent by email)* _____

Emergency Contact Name _____ Day Phone _____ Evening Phone _____

Dietary Restrictions _____

☐ This is my first time attending an ALEC event.

*Spouse / Guest: If registering a spouse or guest, please complete the spouse/guest registration form

REGISTRATION INFORMATION

Registration Fees

Note: Member fees are subject to verification

	Early Until April 5	*Onsite* Beginning April 6
☐ ALEC Legislative Task Force Member	$ 150	$ 150
☐ ALEC Private Sector Task Force Voting Member	$ 250	$ 250
☐ ALEC Non-Profit Task Force Voting Member	$ 250	$ 250
☐ ALEC Legislative Member/ Non-Task Force Member	$ 300	$ 400
☐ Private Sector Member/ Non-Task Force Member	$ 550	$ 650
☐ ALEC Non-Profit Member (501(c)(3) status required)/ Non-Task Force Member	$ 475	$ 575
☐ Legislative/ Non-Member	$ 400	$ 500
☐ Private Sector/ Non-Member	$ 675	$ 825
☐ Non-Profit Non-Member (501(c)(3) status required)	$ 625	$ 725
☐ Legislative Staff/ Government	$ 400	$ 500
☐ ALEC Alumni	$ 350	$ 450
☐ ALEC Legacy Member	$ 0	$ 0

REGISTRATION FEE : $_____

Note: Registration forms with enclosed payments must be received by April 5, 2012 to be eligible for early bird registration rates. Forms and/or payments received after April 5, 2012 will be subject to on-site registration rates.

METHOD OF REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately.

☐ Amer Express ☐ Visa ☐ MasterCard

Card # _____

Cardholder *(please print)* _____

Exp Date *(mm/yy)* _____/_____ Signature _____

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5:00 pm Eastern April 5, 2012 are subject to a $100 cancellation fee. Registrations are non-refundable after 5:00 pm Eastern April 5, 2012. Registration fees may be transferred from one registrant to another. All refund requests must be made in writing and sent via email to meetings@alec.org or fax to 202-331-1344.

REGISTRATION CONFIRMATION INFORMATION Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

HOUSING — RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS April 5, 2012

☐ I do not require a reservation at this time.

Arrival Date _____ **Departure Date** _____

☐ Sharing room with _____

Room type

☐ Single	(1 Adult)	$ 139
☐ Double	(2 Adults)	$ 139
☐ Triple	(3 Adults)	$ 139
☐ Quad	(4 Adults)	$ 139

** All rates DO NOT include sales tax 15.25% (subject to change)*

Suites and upgraded accommodations are available upon request. Please call 1.866.837.4148 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)* _____/_____ Signature _____

Note: Cutoff for reservations at the ALEC rate is April 5, 2012. After April 5, 2012, 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 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. Please obtain a cancellation number when your reservation is cancelled.

COMMON CAUSE Holding Power Accountable

2012 ALEC SPRING TASK FORCE SUMMIT

May 11, 2012

The Westin Charlotte Hotel
601 South College Street ● Charlotte, NC 28202

SPOUSE/GUEST REGISTRATION FORM

charlotte, north carolina
may 11, 2012
spring task force summit

Online www.alec.org | **Fax** ***(credit cards only)*** 202.331.1344 | **Phone / Questions** ● Mon-Fri, 9am-5:30 pm Eastern Registration: 202.742.8538

ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

Last Name _____ First Name _____

Organization_____

Daytime 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.

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)***	***Fee***	***TOTAL***
☐ Spouse / Guest *please note name(s) above*	_____	$ 50	$ _____

METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT
Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express
☐ Visa
☐ MasterCard

Card # _____

Cardholder *(please print)* _____

Exp Date *(mm/yy)* _____/_____ Signature _____

REGISTRATION CONFIRMATION INFORMATION
Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION
Registrations are non-refundable after 5pm Eastern April 5, 2012.

COMMON CAUSE
Holding Power Accountable

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.

COMMON CAUSE
Holding Power Accountable

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

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 $350.00 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 up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *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.
5. ***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.
6. *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.

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AMERICAN LEGISLATIVE EXCHANGE COUNCIL

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 develop an **annual budget**, 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.

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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-

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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

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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. 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.

F. **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 31st, 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

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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

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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

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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.

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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.

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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

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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

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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 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 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 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

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policy statements be mailed or 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

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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.

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- 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.

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