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AMERICAN LEGISLATIVE EXCHANGE COUNCIL

MEMORANDUM

TO: ENERGY, ENVIRONMENT AND AGRICULTURE TASK FORCE MEMBERS
FROM: CLINT WOODS, TASK FORCE DIRECTOR
DATE: MARCH 31, 2011
RE: UPDATED 35-DAY MAILING—SPRING TASK FORCE SUMMIT

The American Legislative Exchange Council will host its Spring Task Force Summit on April 28 – 29 in Cincinnati, Ohio at the Hilton Cincinnati Netherland Plaza. If you have not yet registered for this meeting, please click [here](#) for registration information or go to www.alec.org. The deadline to register and get housing for ALEC's Spring Task Force Summit in Cincinnati on April 28-29 has been extended. You have until **April 6th** to get a room at the conference rate and receive a \$50 discount on registration. As a reminder, ALEC Legislator Task Force Members can be reimbursed up to \$350 for travel expenses, and room and tax fees for up to a two-night stay at the host hotel are covered by ALEC.

The following meetings are of interest to members of the Energy, Environment and Agriculture (EEA) Task Force:

Friday, April 29

- Joint Energy – Environment Health & Regulation Subcommittee, 8:30am – 9:45am (Subcommittee meetings are open to all Task Force members)
- Agriculture Subcommittee, 10:00am – 11:00am (open to all Task Force members)
- Workshop on Budget Transparency, 11:00am – 12:15pm
- Energy, Environment and Agriculture Task Force Luncheon and Meeting, 12:30pm – 5:00pm
- Spring Task Force Summit Reception, 5:00pm – 6:30pm
- Reds – Marlins Baseball Game (with [special discounted tickets](#)), 7:10pm

The following supplemental materials are attached:

- Agenda for the EEA Task Force Meeting (1 page)
- Agenda for Subcommittee Meetings (2 pages)
- Proposed Model Legislation
- Introduction to the EEA Task Force (2 pages)
- EEA Task Force Roster (13 pages)
- 2010 States and Nation Policy Summit Task Force Meeting Minutes (2 pages)
- Scholarship Policy by Meeting (1 page)
- ALEC Task Force Operating Procedures (12 pages)
- ALEC Mission Statement (1 page)

I look forward to seeing all of you next month in Cincinnati. If you have any questions or concerns regarding the meeting, please contact me at (202) 742-8542 or by e-mail cwoods@alec.org.

Sincerely,
Clint Woods

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

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ENERGY, ENVIRONMENT AND AGRICULTURE TASK FORCE MEETING

2011 Spring Task Force Summit • Cincinnati, OH
April 29, 2011 • 12:30pm – 5:00pm

Tentative Agenda

Call to Order, Welcome, and Introductions

Rep. David Wolkins, Indiana

Martin Shultz, Brownstein Hyatt Farber Schreck

Tom Moskitis, American Gas Association

Energy Issues in Ohio and Reflections on Legislative-Regulatory Relations

Chairman Todd Snitchler, Public Utility Commission of Ohio

Crop Chemophobia: Will Precaution Kill the Green Revolution?

Jon Entine, American Enterprise Institute

MODEL LEGISLATION: ALEC Agriculture Principles (*Jeff Case, CropLife America*)

Updates on Japan's Nuclear Reactors and Global Implications

Speaker TBA

Insights on Oil & Gas Prices

John Felmy, American Petroleum Institute

Turning on the Lights 2011: The Consumer Benefits of Electric Power Competition

Carl Johnston, National Center for Policy Analysis

EPA Challenges for Electric Generation

Speaker TBA

MODEL LEGISLATION:

- Amendments to ALEC Energy Principles (*Sen. Michael Lamoureux, Arkansas*)
- Resolution for a National Repository for High-level Nuclear Waste (*Rep. Aric Nesbitt, Michigan*)
- Regional Air Quality Interstate Compact (*Mario Loyola, Texas Public Policy Foundation*)

For the Good of the Order

Adjournment

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**JOINT ENERGY – ENVIRONMENTAL HEALTH &
REGULATION SUBCOMMITTEE MEETING**

2011 Spring Task Force Summit • Cincinnati, OH
April 29, 2011 • 8:30am – 9:45am

Tentative Agenda

Call to Order, Welcome, and Introductions

Rep. Tom Lockhart, Wyoming

Rep. Ralph Watts, Iowa

Mike McGarey, Nuclear Energy Institute

MODEL LEGISLATION: Amendments to ALEC Energy Principles (*Sen. Michael Lamoureux, Arkansas*)

MODEL LEGISLATION: Regional Air Quality Interstate Compact (*Mario Loyola, Texas Public Policy Foundation*)

Will Green Energy Make the United States Less Secure?

Sterling Burnett, National Center for Policy Analysis

MODEL LEGISLATION: Resolution for a National Repository for High-level Nuclear Waste (*Rep. Aric Nesbitt, Michigan*)

For the Good of the Order

Adjournment



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AGRICULTURE SUBCOMMITTEE MEETING

2011 Spring Task Force Summit • Cincinnati, OH
April 29, 2011 • 10:00am – 11:00am

Tentative Agenda

Call to Order, Welcome, and Introductions

Rep. Larry Powell, Kansas

Jeff Case, CropLife America

MODEL LEGISLATION: ALEC Agriculture Principles (*Jeff Case, CropLife America*)

DISCUSSION: What should be ALEC's priorities for agricultural and rural policy issues?

For the Good of the Order

Adjournment



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ALEC Agriculture Principles

The proper role of government involvement in agriculture is to limit and remove barriers for agricultural production, trade, and consumption throughout our innovative food system. In developing public policy options for agriculture, forestry, and related sectors, policymakers should recognize that the United States currently possesses the safest, highest quality, and most innovative food system in the world.

Global demand for agricultural and forest products are expected to increase substantially in the coming decades, and legislators should seek policy options that will allow our system of high-yield, industrial agriculture to flourish in order to help meet this demand while meeting environmental and land use challenges. ALEC also recognizes that agricultural productivity is an essential counterpart to robust economic growth. As Thomas Jefferson wrote in a 1787 letter to George Washington, “[a]griculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness.”

Reduced Barriers to Agricultural Commerce

Agricultural markets are global and the United States represents one of the largest and most efficient agricultural economies in the world. As a net exporter of agricultural goods, legislators should focus on expanding market access and removing barriers to food trade in ways consistent with international obligations. Enhancing productive commerce in this sector reduces consumer prices, increases prosperity, and provides opportunities for American producers.

Free Markets and Competition

Consistent with existing antitrust requirements, ALEC opposes unnecessary government-imposed restrictions on agricultural businesses, including company structure, operation size, business diversification, coordination, or marketing methods. The vast majority of U.S. farms (98 percent in 2007) are family-owned. Considering both the limited resources of state and federal agencies and the disproportionate impact of burdensome regulations on small farmers and ranchers, care should be taken to avoid unnecessary rules and bureaucratic hurdles for producers competing in our global agriculture environment. ALEC encourages policies that avoid market distortion through the selection of winners-and-losers. As Senator Barry Goldwater explained, “[farmers] have a more intimate knowledge than most of us of the consequences of unlimited government power, and so, it would seem, a greater interest than most in returning agriculture to freedom and economic sanity.”

Science-Based Safety

Processes for safety regulations should incorporate a least restrictive approach for ensuring public safety and confidence, economics, definitive risk data, and food security.

Legislators should look skeptically upon reliance of the precautionary principle as well as risk assessments based on speculation, anecdotes, statistical correlation, and non-replicable or non-independent studies. Instead, a science-based approach that involves cost-benefit analysis, publically-available data, and a focus on dosage and use (rather than abstract notions of “exposure”) will best serve consumers.

Animal Welfare

ALEC agrees with basic animal care principles that maintain the wellbeing and health of animals used for food, companionship, clothing, recreation, assistance, and medical research, but opposes extremist attempts to establish animal rights as a public policy objective. There are significant human costs to the animal rights movement’s attempt to destroy human exceptionalism and along with it our system of animal husbandry and tradition of pet ownership. Similar to ALEC efforts related to animal and ecological terrorism and environmentally corrupt organizations, ALEC’s principles include a commitment to transparency and honesty among these groups and their allies.

Stewardship

ALEC supports the establishment of policies and incentives to empower private landowners and agricultural producers to enhance stewardship efforts.

State Role

While much attention is paid to federal farm bill deliberations, states have a unique and critical role to play in the administration of agriculture programs and policies. The United States Department of Agriculture noted in a 2004 report that “a central agency administering a program at the national level may lack the information needed to accommodate State-level difference.” While states should seek regulatory uniformity in order to not unnecessarily impact producers, opportunities to empower state officials to creatively address agriculture and food issues should be fully explored. As declared in *The Federalist No. 17*, the “supervision of agriculture and of other concerns of a similar nature...are proper to be provided for by local legislation, can never be desirable cares of a general jurisdiction.” Furthermore, the federal government should avoid intruding on state sovereignty over intrastate agriculture matters and the proliferation of local agriculture regulations should be discouraged.

Right to Farm

Recognizing the essential role of agriculture in our economy, ALEC supports protection of generally accepted agricultural and management practices from public or private nuisance suits.

The Value of High-Yield Farming

Our modern, high-tech, and high-yield agriculture system, a product of the 20th Century’s Green Revolution, is critical to provide food to billions while minimizing damage to natural habitats and biodiversity. As stated in the *Declaration in Support of Protecting Nature With High-Yield Farming and Forestry*, “additional high-yield practices, based on advances in biology, ecology, chemistry, and technology, are critically needed in agriculture and forestry not only to achieve the foal of improving the human condition for

all peoples but also the simultaneous preservation of the natural environment and its biodiversity through the conservation of wild areas and natural habitat.”



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ALEC Energy Principles

Mission: To define a comprehensive strategy for energy security, production, and distribution in the states consistent with the Jeffersonian principles of free markets and federalism.

Introduction: A National Energy Strategy

Energy affects all aspects of American life. It is indispensable for economic growth. Access to energy and the supply of energy will only become more important *in the future as energy demand continues to increase.* ~~as America's economy and the world's economy grow.~~ ~~as America's economy and the world's economy grow.~~

Energy Use Will Continue to Grow. According to the Energy Information Administration (EIA), overall energy consumption in the United States will grow by ~~148~~ *1148* percent between ~~2008~~ *2009* and ~~2035~~ *2050*—increasing from 100 quadrillion Btu used a year to *1148 quadrillion Btu.*¹ Over the same period, EIA projects that electricity demand will increase by 30 percent² *and demand for liquid fuels (such as gasoline and diesel) will increase by nearly 140 percent.*³ *At the same time, the American economy is becoming more energy efficient – carbon dioxide emissions per dollar of GDP declined 41.3 percent between 1981 and 2005, and will decline 42 percent through 2035, and the American economy's energy intensity – energy use per dollar of GDP – will decrease by 40 percent through 2035.*⁴ *While energy remains a critical component of economic growth, technological developments spurred by the market have improved efficiency and led to lower emissions, without government mandates or excessive regulation. The growth in global energy demand is expected to be approximately 65 percent lower through 2030 than it would have been without these improvements.*⁵

Air Quality Has Improved As Energy Use Has Increased. According to EPA, since 1980 gross domestic product has increased 124 percent, vehicle miles traveled have increased 103 percent, population has increased 33 percent, and energy consumption has increased 30 percent. Despite these increases, aggregate levels of air toxics have

1 decreased 52 percent. Ambient levels of carbon monoxide are down 77 percent, ozone is
2 down 21 percent, lead is down 94 percent and sulfur dioxide is down 68 percent.⁶

3 **Global Climate Change is Inevitable.** Climate change is a historical phenomenon
4 and the debate will continue on the significance of natural and anthropogenic
5 contributions. ALEC will continue to monitor the issue and support the use of sound
6 science to guide policy, but ALEC will also incorporate economic and political realism.
7 Unilateral efforts by the United States or regions within the United States will not
8 significantly decrease carbon emissions globally, and international efforts to decrease
9 emissions have proven politically infeasible and unenforceable. Policy makers in most
10 cases are not willing to inflict economic harm on their citizens with no real benefit. ALEC
11 discourages impractical visionary goals that ignore economic reality. Regardless, the
12 economy is becoming more energy efficient. Each year we emit less carbon dioxide per
13 dollar of economic output. In fact, carbon dioxide emissions per dollar of GDP declined
14 41.3 percent between 1981 and 2005. This impressive improvement has taken place
15 without greenhouse gas emissions regulations or taxes., and that will not be met without
16 serious consequences for worldwide standard of living. Regardless, the economy is
17 becoming more energy efficient. Each year we emit less carbon dioxide per dollar of
18 economic output. In fact, carbon dioxide emissions per dollar of GDP declined 41.3
19 percent between 1981 and 2005. This impressive improvement has taken place without
20 greenhouse gas emissions regulations or taxes.

21 **ALEC Supports Free Markets.** ALEC supports free markets because markets
22 are more effective than onerous regulation at lead to achieving optimal economic and
23 environmental outcomes. better policy outcomes than onerous regulation. lead to better
24 policy outcomes than onerous regulation. America's economy is becoming more energy
25 efficient and less carbon intensive, not because of regulation, but because it saves money
26 to be energy efficient. Free markets in energy produce more options, more energy, lower
27 prices, and less economic disruptions. Free markets will not necessarily produce the
28 vision of a green economy desired by supporters of government intervention are not
29 perfect, are not perfect. but they will produce the best outcome among realistic
30 alternatives.

ALEC Supports Affordable Fuels that Power Growth. Mandates to transform the energy sector and use renewable energy sources place the government in the unfair position of choosing winners and losers, keeping alive industries that are dependent on special interest lobbying. As the history of ethanol indicates, these special interests are difficult to are better than all of the alternatives.eliminate and can long outlast the exposure of their inefficiency. Forced changes in the economy produce unnecessary costs and threaten reliability. ALEC opposes these mandates, and therefore opposes infighting among fuel sources. Reliable, efficient fuels that power growth have a role in a free market energy sector.

The ALEC Energy Principles are an expression of the Jeffersonian ideals of free markets and liberty. These principles are especially important today. Far too often government policies restrict energy options and limit access to vital energy resources.

ALEC Energy Principles

~~Energy Realism.~~ *1. Energy Realism*

~~Reliance~~ *on the market to develop and produce new technologies:* The free market should be the principal determinant of which products reach the marketplace.

~~Government should not mandate nor limit energy choices.~~ *Opposition to mandates that limit energy choices* Governments should not mandate nor limit energy choices:

Government programs designed to encourage and advance energy technologies should not reduce energy choices or supply. They should not limit the production of electricity, for example, to only politically preferable technologies.

~~Reliance~~ *on existing technology:* Energy policy should rely on technologies that exist, not on uncertain future technological advancements. Technological advancement will occur, but we cannot predict them ahead of time.

~~Energy Security.~~

2. Energy Security

~~Access:~~ North America has extremely large reserves of fossil fuels ~~in the form of natural gas, petroleum, coal, oil sands, and oil shale in the form of natural gas, petroleum, coal, oil sands, and oil shale.~~ Access to these resources should be expanded to provide America with low-cost and reliable energy. ~~Coastal resources must be explored in an environmentally sensitive manner.~~ *Coastal resources must be explored in an environmentally sensitive manner and* barriers limiting the use of and access to public lands must be removed.

1
2
3 Fuel Diversity: Energy security requires a diversity of fuels *to meet the demands of*
4 *different geographic regions and different energy supplies.* ~~and a diversity of fuel supplies~~
5 ~~energy sources. We must develop fossil fuels, nuclear, renewable (hydro, wind and solar)~~
6 ~~and alternative (bio-mass, fuel cell and other) resources.~~

7
8 ~~and a diversity of fuel supplies energy resources. We must develop fossil fuels, nuclear,~~
9 ~~renewable (hydro, wind and solar) and alternative (bio-mass, fuel cell and other)~~
10 ~~resources.~~

11
12 Protection & Safety: North America's energy infrastructure must be protected from
13 terrorist disruption. Plan for nuclear waste storage must be finalized.

14
15 ~~Environmental Protection. *Environmental Protection: Modern fossil fuel development*~~
16 ~~*successfully utilizes responsible environmental practices. Streamlining of regulations is*~~
17 ~~*vital.*~~

18 *Environmental conservation and protection* ~~Conservation:~~ Conservation is an important
19 component of a sound U.S. energy security policy, but conservation alone will not meet
20 the nation's energy needs. ~~Modern fossil fuel development successfully utilizes~~
21 ~~responsible environmental practices. Streamlining of regulations is vital.~~ *There is a role*
22 *for regulation in protecting the environment, but regulations must be realistic, and the*
23 *private sector must be relied upon to develop innovative technological improvements that*
24 *enhance protection.*

25
26 *Regulatory reform: Streamlining of regulations is vital to maintain effective*
27 *environmental protection. Regulations must be based on sound science and subjected to*
28 *credible cost/benefit analyses. Regulations cannot be insulated by bureaucracy from*
29 *citizens who experience their effects; legislative oversight and democratic accountability*
30 *are critical components of our system of government. Duplicative regulatory processes*
31 *among federal and state government must be coordinated.*

32
33 *Regulatory predictability: State and national legislation and regulation should result in*
34 *predictability of process and enforcement resulting in the facilitation of investment*
35 *certainty. The regulatory process should enhance, encourage, and expand energy*
36 *production, transmission, and distribution.*

37 E
38 *nergy efficiency: State policies must allow free and competitive markets regarding pricing,*
39 *technology deployment, energy efficiency, and selection of fuels and suppliers.* **3. Energy**
40 **Efficiency**

41 Energy efficiency is enhanced most effectively through free market forces. *State*
42 *policies must allow free and competitive markets regarding pricing, technology*
43 *deployment, energy efficiency, and selection of fuels and suppliers.*

44
45 State governments can conduct audits of their own energy usage and make
46 appropriate market and cost-based adjustments to enhance efficiency in
47 government-owned facilities.

1 **Energy Infrastructure: 4. Energy Infrastructure**

2 Reliable electricity supply depends upon significant improvement of the
3 transmission grid. Interstate and intrastate transmission siting authority and
4 procedures must be addressed to facilitate the construction of needed new
5 infrastructure.

6
7 New, expanded, and modified refineries, power plants, and transmission facilities
8 require streamlining of siting and permitting processes.

9 ~~Energy Regulatory Predictability and Investment Certainty: State and national~~
10 ~~legislation should result in predictability of process and enforcement resulting in~~
11 ~~the facilitation of investment certainty. The regulatory process should enhance,~~
12 ~~encourage, and expand energy production, transmission, and distribution.~~
13 ~~Multiple and duplicative regulatory processes should be streamlined.~~

14 **5. Energy Trade and Development Trade:**

15 State and federal government initiatives must promote free trade between nations.
16 Government control should be discouraged to allow the market, not political
17 machinations, to control energy resources.

18 Federalism: The federal government must allow states to develop their own
19 approaches to energy policy based on their resources and demand. Misguided
20 federal restrictions that ignore regional and local realities impose costs that are
21 beyond the control of those whom they most affect. States know how best to utilize
22 their land and natural resources, and their role in doing so must be preserved.

23
24 **6. Energy Regulatory Predictability and Investment Certainty**

25
26 ~~State and national legislation and regulation should result in predictability of process~~
27 ~~and enforcement resulting in the facilitation of investment certainty. The regulatory~~
28 ~~process should enhance, encourage, and expand energy production, transmission, and~~
29 ~~distribution. Multiple and duplicative regulatory processes should be streamlined~~

30 *First passed in 2002, revised in May 2008.*

31
32

¹ Energy Information Administration, "Annual Energy Outlook 2011." Available
[http://www.eia.gov/forecasts/aeo/pdf/0383er\(2011\).pdf](http://www.eia.gov/forecasts/aeo/pdf/0383er(2011).pdf) Energy Information Administration, "Annual
Energy Outlook 2008," Report #: DOE/EIA-0383 (2008). Table 2. Energy Consumption by Sector and
Source. Available http://www.eia.doe.gov/oiaf/aeo/excel/aeotab_2.xls.

² Energy Information Administration, "Annual Energy Outlook 2011." Available
[http://www.eia.gov/forecasts/aeo/pdf/0383er\(2011\).pdf](http://www.eia.gov/forecasts/aeo/pdf/0383er(2011).pdf) Energy Information Administration, "Annual
Energy Outlook 2008," Report #: DOE/EIA-0383 (2008). Table 8. Electricity Supply, Disposition, Prices
and Emissions. Available http://www.eia.doe.gov/oiaf/aeo/excel/aeotab_8.xls.

³ Energy Information Administration, "Annual Energy Outlook 2011." Available
[http://www.eia.gov/forecasts/aeo/pdf/0383er\(2011\).pdf](http://www.eia.gov/forecasts/aeo/pdf/0383er(2011).pdf) Energy Information Administration, "Annual
Energy Outlook 2008," Report #: DOE/EIA-0383 (2008). Table 11. Liquid Fuels Supply and Disposition.
Available http://www.eia.doe.gov/oiaf/aeo/excel/aeotab_8.xls.

⁴ Energy Information Administration, "Annual Energy Outlook 2011." Available [http://www.eia.gov/forecasts/aeo/pdf/0383er\(2011\).pdf](http://www.eia.gov/forecasts/aeo/pdf/0383er(2011).pdf)

⁵ *Outlook for Energy: A View to 2030*. Rep. ExxonMobil, 2010. Print.

⁶ Environmental Protection Agency, *Air Trends: Basic Information*. <http://www.epa.gov/airtrends/sixpoll.html>.



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Regional Air Quality Interstate Compact

SECTION A. REGIONAL AIR QUALITY COMPACT

1) EXECUTION OF INTERSTATE COMPACT. This state enacts the Regional Air Quality Compact and enters into the compact with all other states legally joining in the compact in substantially the following form:

2) RESTORING STATE RESPONSIBILITY. Each party state shall work with the other party states to formulate plans for restoring the primary responsibility of States and local governments in the prevention of air pollution and the control of air pollution at its source, in accordance with 42 U.S.C. § 7401(a)(3) of the federal Clean Air Act, and for reversing numerous actions of the federal Environmental Protection Agency committed in violation of state authorities, federal law, and the Constitution of the United States. Each party state shall work with other party states to adopt common guidance for state implementation plans under the federal Clean Air Act, 42 U.S.C. § 7401, et seq., through the Regional Air Quality Commission, in accordance with Article __ of this Compact.

3) REGIONAL AIR QUALITY COMMISSION. The governor of each party state shall nominate, within 30 days of the effective date of this Compact, one commissioner to the Regional Air Quality Commission. The Commission shall develop and issue guidance concerning state implementation plans hereunder, to ensure conformity with applicable federal and state law, and shall issue such orders as may be necessary to correct failures to comply with federal and state law in the form of notifications to party state governments. The Commission shall recommend such changes in federal and state law as may be necessary and proper to implement the purposes of this Compact, including the restoration of original constitutional constraints on federal power, and the governor of each party state shall seek enactment of such recommendations at the earliest opportunity. The commissioners to the Commission shall develop the organic documents necessary for the organization of the Commission, and shall recommend a budget.

4) CONGRESSIONAL CONSENT. Upon the granting of the express consent of Congress to the terms of this Compact, and with respect to any guidance or order adopted by the Regional Air Quality Commission, during the period of effectiveness of such guidance or order, the review and enforcement authorities of the Environmental Protection Agency under the federal Clean Air Act, 42 U.S.C. § 7401, et seq., shall be suspended with respect to state implementation plans covered by this Compact.

5) IMPLEMENTATION

a. This Compact shall become operative immediately upon its enactment into law by any two (2) states; thereafter, this Compact shall become effective as to any other state upon its enactment by such state.

b. This Compact shall become effective, for purposes of the operation of federal law in the Member States and of any other legal effect requiring congressional consent under Article I, Section 10, of the United States Constitution, upon the passage of a resolution expressing the consent of Congress to this Compact.

c. This Compact may be amended by agreement among the Member States and enactment of such amendment under the laws of each Member States. By consenting to this Compact, Congress consents to any amendments adopted in accordance with this section.

6) WITHDRAWAL AND DISSOLUTION. A Member State may withdraw from this Compact by repealing the enactment of this Compact. This Compact shall be dissolved upon the withdrawal of all but one of the signatories hereto.



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RESOLUTION FOR A NATIONAL REPOSITORY FOR HIGH-LEVEL NUCLEAR WASTE

WHEREAS, nuclear power has been, and likely will continue to be, a significant source for the nation's electricity. There are 104 operating nuclear power reactors in the United States, providing about a fifth of the nation's electricity generation. Many electricity markets across the nation are, or will soon be, in need of new baseload generating capacity. Nuclear power provides large amounts of reliable, emission-free electricity at stable prices. Many policymakers recognize the need to construct new nuclear power plants; and

WHEREAS, in order to realize the many benefits of nuclear power, the nation must address the issue of high-level nuclear waste. Currently, approximately 60,000 metric tons of spent nuclear fuel are stored in pools or casks at temporary sites around the country. More nuclear waste is generated every day; and

WHEREAS, in 2002, Congress and President Bush approved Yucca Mountain in Nevada as the site of a federal geologic repository for spent nuclear fuel and high-level radioactive defense waste. In 2008, the Nuclear Regulatory Commission (NRC) accepted an application by the Department of Energy (DOE) to construct and operate the Yucca Mountain repository. The application is currently under technical review by the NRC; and

WHEREAS, the establishment of a national repository is more than ten years overdue. Under the Nuclear Waste Policy Act of 1982, the DOE was supposed to begin accepting and storing the nation's nuclear waste by January 31, 1998. Electric rate payers across the country have paid billions into the nuclear waste fund, which the DOE is supposed to use to open the repository; and

WHEREAS, the construction of new nuclear power plants, which are needed to provide clean and reliable baseload power, is being hampered by the unresolved issue of spent nuclear fuel. The NRC must work diligently to move the Yucca Mountain approval process along. The DOE must begin constructing and operating Yucca Mountain, and begin accepting nuclear waste, without further delay;

THEREFORE BE IT RESOLVED:

{Your State} urges the United States Department of Energy and the Nuclear Regulatory Commission to do everything necessary to allow the Yucca Mountain repository to begin accepting high-level nuclear waste.

BE IT FURTHER RESOLVED:

Copies of this resolution are to be transmitted to the United States Department of Energy, the Nuclear Regulatory Commission, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the {*Your State*} congressional delegation.

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Energy, Environment and Agriculture – 2011 Overview

Public Sector Chair: Rep. David Wolkins, Indiana

Private Sector Co-Chair: Tom Moskitis, American Gas Association

Private Sector Co-Chair: Martin Shultz, Brownstein Hyatt Farber Schreck

More information and news about the Energy, Environment and Agriculture Task Force is available at: www.alec.org/EEA

Task Force Mission Statement:

ALEC's Energy, Environment and Agriculture (EEA) Task Force promotes the mutually beneficial link between a robust economy and a healthy environment, and seeks to enhance the quality and use of our natural and agricultural resources for the benefit of human health and well-being.

Executive Committee Members:

Rep. Tom Lockhart, Wyoming; Rep. Larry Powell, Kansas; Rep. Ralph Watts, Iowa; Rep. Dave Wolkins, Indiana; Jeff Case, CropLife America; Mike McGarey, Nuclear Energy Institute; Jenn Mendez, The Carpet and Rug Institute; Tom Moskitis, American Gas Association; and Martin Schultz, Brownstein Hyatt Farber Schreck.

Task Force Subcommittees:

- Energy
- Environmental Health and Regulation
- Agriculture and Rural Issues

Issue Areas:

- Climate Change
- Agriculture
- Environmental Health
- Regulatory Reform
- Air & Water Quality
- Federal Lands
- Property Rights
- Chemical Regulation
- Eminent Domain
- Federalism
- Ecological Terrorism
- Waste Management

History of Scope of Model Legislation:

The EEA Task Force has considered and adopted a variety of model resolutions and bills on the above issues (full list of Task Force model legislation available [here](#)). In recent years, the Task Force has undertaken several initiatives focused on EPA regulations, regional climate initiatives,

and environmental health issues. Many of these model bills emphasize the use of sound science and cost benefit analysis when making environmental policy. Below are some notable bills:

- Resolution in Opposition to the EPA's Plan to Regulate Greenhouse Gas Emissions Under the Clean Air Act
- Environmental Good Samaritan Act
- Right to Farm Act
- Climate Accountability Act
- Verifiable Science Act
- Resolution for State Withdrawal from Regional Climate Initiatives
- Regulatory Costs Fairness Act
- Agriculture Bio-Security Act
- State Regulatory Responsibility Act
- Environmental Services Public-Private Partnership Act
- State Pesticide Preemption Act
- Groundwater Protection Act
- Offshore Energy Resources Act

Future Direction of Legislation for Task Force:

The Task Force will likely continue to take up model bills in the issue areas discussed above. In particular, emphasis will be placed on developing innovative legislative options for dealing with unnecessary federal intervention on environmental and public lands issues, as well as creative market solutions to encourage agricultural productivity by reducing regulations on farmers and ranchers.

Meeting Dates:

Spring Task Force Summit, Cincinnati, Ohio: April 29, 2011 12:30pm-5:00pm

Annual Meeting, New Orleans, Louisiana: August 5, 2011 2:30pm-5:30pm

States & Nation Policy Summit, Scottsdale, Arizona:

Task Force Publications:

- [*EPA's Regulatory Train Wreck: Strategies for State Legislators*](#) (forthcoming, 2011)
- ALEC State Factor- "[Affordable Energy: The Foundation of Human Rights and Economic Justice](#)" (2010)
- [*Energy, Environment, and Economics: A Guide for State Legislators*](#) (2007)
- [*Inside ALEC*](#), November/December 2010 (focusing on Task Force issues)
- The Task Force also emails a biweekly "EEA Roundup" with 50-state legislative tracking and other news updates

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As of 3/31/2011

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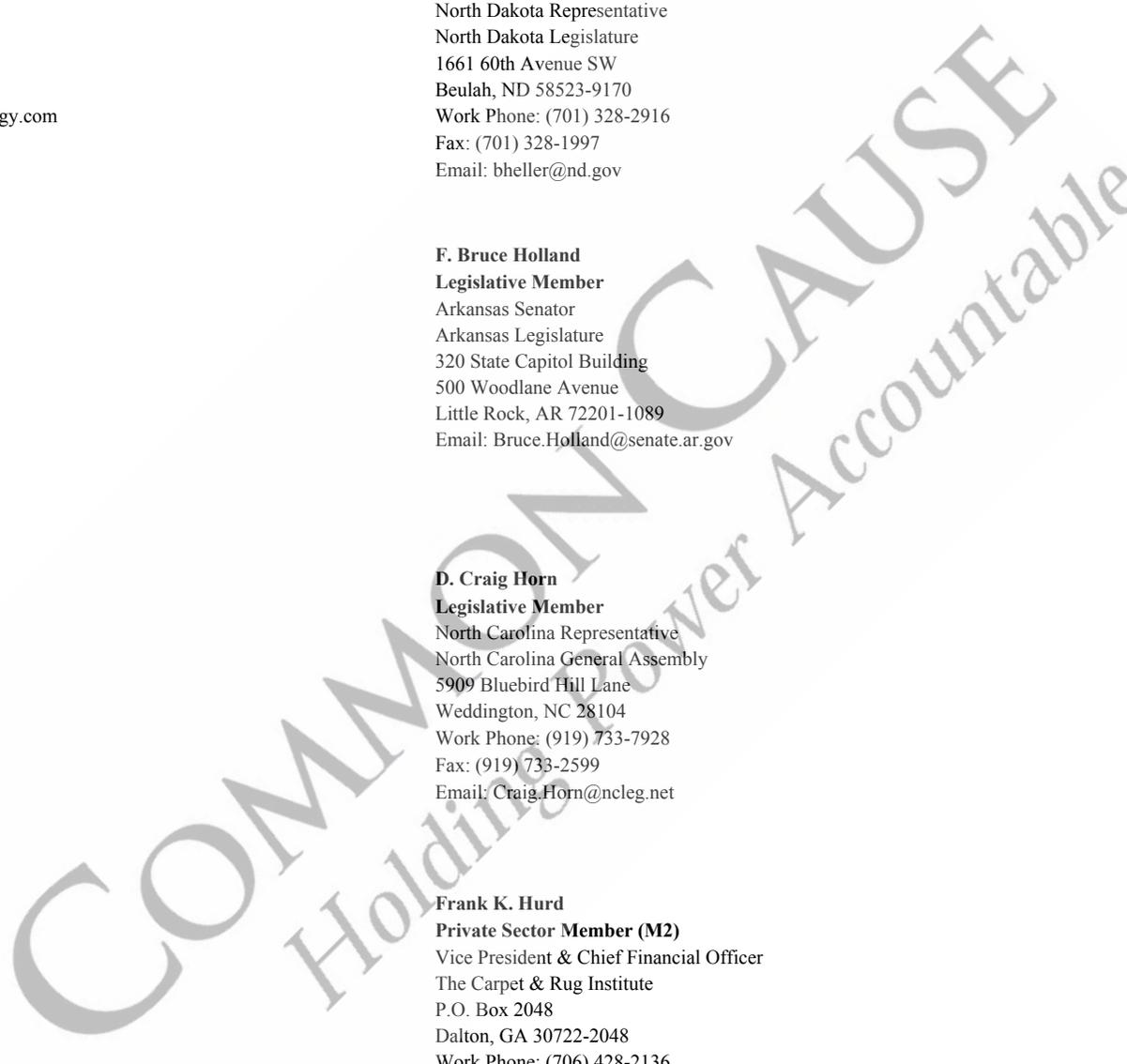
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ALEC

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

**Energy, Environment, and Agriculture Task Force Meeting
ALEC's 2010 States and Nation Policy Summit
December 2, 2010
Meeting Minutes**

In attendance:

Public Sector:

Sen. Sylvia Allen, Arizona
Rep. Paul Bandy, New Mexico
Rep. Dave Deyoe, Iowa
Rep. Jim Ellington, Mississippi
Sen. Mike Kopp, Colorado
Sen. Michael Lamoureux, Arkansas
Rep. Rebecca Lockhart, Utah
Rep. Thomas Lockhart, Wyoming
Rep. Dwight Loftis, South Carolina
Sen. William Payne, New Mexico
Rep. John Piscopo, Connecticut
Rep. Larry Powell, Kansas
Rep. Matt Teeters, Wyoming
Rep. Ralph Watts, Iowa

Private Sector:

Daren Bakst, John Locke Foundation
Bob Bartlett, Alliant Energy
Jason Begger, Cloud Peak Energy
Jeff Case, CropLife America
Joseph Cleary, Bayer
Molly Greene, Salt Rover Project
Russell Harding, Mackinac Center for Public Policy
Kathleen Hartnett White, Texas Public Policy Foundation
Tammy Kelch, NRECA
Timothy Kichline, EEI
Kelly Mader, Peabody
Mike McGarey, NEI
Mike McGraw, Occidental Petroleum
Jenn Mendez, Carpet and Rug Institute

Todd Myers, Washington Policy Center
David Roznowski, LyondellBasell
Geoff Simon, MDU Resources Group
Russell Smoldon, Salt River Project
John Stephenson, NTU
Judy Stokey, NV Energy, Inc.
Josh Young, ACC

Steven Heyward of AEI spoke on energy policy in the wake of the collapse of cap-and-trade.

Chris Wilson of Wilson Research Strategies spoke on the emerging role of natural gas.

Senator Mike Johanns spoke on the EPA threat to American agriculture.

David Asti of Southern California Edison spoke on “Adverse Regulation of Power Plant Water Use”

The Task Force passed the Resolution to Retain State Sovereignty over Intrastate Water Resources.

The Task Force passed the Resolution on Best Available Control Technology for Coal-Based Electric Generation.

Todd Myers of the Washington Policy Center spoke on fresh environmental policy for new majorities in state legislatures.

Rob Book of Delaware Electric Cooperative spoke on his co-op’s success at meeting energy needs in Delaware.

The Task Force tabled for a future meeting the Capital Recovery for Clean Energy Generating Plants Act.

The Task Force tabled for a future meeting the Agricultural Sustainability Act.

The Task Force passed the Resolution in Opposition to the EPA Greenhouse Gas Tailoring Rule and the Treatment of Biomass Energy.

ALEC

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Mission Statement

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

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

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

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

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

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

SCHOLARSHIP POLICY BY MEETING

ALEC Spring Task Force Summit:

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to \$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.

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

I. MISSION OF TASK FORCES

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

II. TASK FORCE RESPONSIBILITIES

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

III. GENERAL PROCEDURES

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

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

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

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

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

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

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

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

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

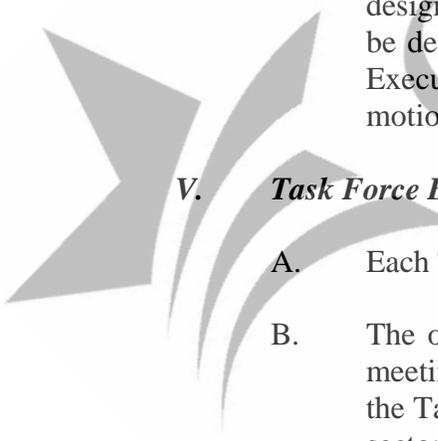
~~and programming budgets. Task Force membership and budget information will be reported to the Executive Director by the Public and Private Sector Task Force Co-Chairs. The Executive Director will present this information to the Board of Directors at its regular fall meeting.~~

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

IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES

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

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



V. ***Task Force Budgets***

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

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

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

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

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

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

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

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

VII. REMOVAL AND VACANCIES

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

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

VIII. MEETINGS

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

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

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

IX. **REVIEW AND ADOPTION PROCEDURES**

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

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

E. The Board of Directors can:

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

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

X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.

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