

## MEMORANDUM

**TO: Telecommunications and Information Technology Task Force Members**  
**FROM: John Stephenson, Task Force Director**  
**DATE: October 27, 2011**  
**RE: ALEC States and Nation Policy Summit-35 Day Mailing**

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This is the 35 Day Mailing for the 2011 ALEC States and Nation Policy Summit that shall take place from November 30 to December 2 at the Westin Kierland Resort in Arizona. **The Telecommunications and Information Technology Task Force will meet on Thursday, December 1 from 2:30pm to 5:30pm.**

In addition to the Task Force meeting, there are several other Summit events that members are ***strongly encouraged*** to attend. The **Joint Working Group on 21<sup>st</sup> Century Commerce and Taxation** will meet on Wednesday, November 30 from 8:00am to 9:00am. The **Online Consumer Privacy Working Group** will meet on Thursday, December 1 from 9:00am to 10:00am. A workshop titled, **“Electrifying and Connecting America for the 21st Century: A view from the Public Utility Commissions,”** will take place Friday, December 2 from 11:00am to 12:15pm.

Please find enclosed with this 35 Day Mailing the following:

- States and Nation Policy Summit Tentative Agenda
- Task Force Meeting Tentative Agenda
- Joint Working Group on 21<sup>st</sup> Century Commerce and Taxation Tentative Agenda
- Task Force Consumer Privacy Working Group Tentative Agenda
- Minutes from the 2011 Annual Meeting
- Motions and Draft Model Legislation
- ALEC Mission Statement
- ALEC Task Force Operating Procedures
- ALEC Meeting Reimbursement Policies

To register or arrange accommodations for the Summit, visit <http://www.alec.org/> or call (202) 742-8538.

I look forward to seeing you in Arizona for what is sure to be an excellent Summit. If you have any questions about the Summit, please do not hesitate to contact me by telephone at 202-742-8524 or by e-mail at [jstephenson@alec.org](mailto:jstephenson@alec.org).

With regards,

John Stephenson  
Task Force Director

# STATES & NATION POLICY SUMMIT

PHOENIX, AZ  
NOV. 30 - DEC. 2, 2011

Tuesday, November 29th

## Joint Board of Directors Meetings

Registration

ALEC Joint Board Reception and Dinner

7:30 am – 5:00 pm

12:00 pm – 5:00 pm

6:00 pm – 9:30 pm

Wednesday, November 30th

Registration

Task Force Subcommittee Meetings

Exhibits

State Chairs Meeting

New Legislator Orientation

**Opening Plenary Luncheon**

Task Force Chairs Meeting

**Workshops**

Welcome Reception

7:30 am – 5:00 pm

8:00 am – 11:30 am

9:00 am – 5:00 pm

9:00 am – 11:00 am

10:15 am – 11:15 am

**11:30 am – 1:15 pm**

1:30 pm – 2:45 pm

1:30 pm – 4:15 pm

6:30 pm – 8:30 pm

Thursday, December 1st

Registration

**Plenary Breakfast**

Exhibits

Workshops

**Plenary Luncheon**

Task Force Meeting:

- Civil Justice
- Commerce, Insurance, and Economic Development
- Education
- Telecommunications and Information Technology

7:30 am – 5:00 pm

**8:00 am – 9:15 am**

9:00 am – 5:00 pm

9:30 am – 12:15 pm

**12:30 pm – 2:15 pm**

2:30 pm – 5:30 pm

National Chairman's Reception, *by Invitation Only*

Gala Holiday Reception

Hospitality Suite

5:30 pm – 6:30 pm

6:30 pm – 8:30 pm

9:00 pm – 11:00 pm

**Friday, December 2nd**

Registration

**Plenary Breakfast**

Exhibits

Workshops

**Plenary Luncheon**

Task Force Meetings:

- Energy, Environment and Agriculture
- Health and Human Services
- International Relations
- Public Safety and Elections
- Tax and Fiscal Policy

**State Delegation Night**

7:30 am – 2:30 pm

**8:00 am – 9:15 am**

9:00 am – 5:00 pm

9:30 am – 12:15 pm

**12:30 pm – 1:45 pm**

2:00 pm – 5:00 pm

**Beginning at 6:30 pm**



COMMON CAUSE  
Holding Power Accountable

**ALEC STATES AND NATION POLICY SUMMIT  
TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY  
TASK FORCE MEETING  
THURSDAY, DECEMBER 1, 2011  
2:30pm-5:30pm**

**TENTATIVE AGENDA**

1. Welcome, Introductions, and Approval of the Minutes from the 2011 Annual Meeting
2. Presentations
  - Spotlight on the States: Issues in Cybersecurity and Municipal Broadband – *Rep. Marilyn Avila (NC) and Rep. Terri Proud (AZ)*
  - Online Consumer Privacy: Current Policy Trends and a Report from the Working Group – *Adam Thierer (Mercatus Center)*
  - Regulatory Reform in Telecommunications – *Charles Davidson (New York Law School)*
  - Report from the Joint Working Group on 21<sup>st</sup> Century Commerce and Taxation – *TBD*
3. Legislation
  - Motion to Recommend that the Board of Directors change the name of the Telecommunications and Information Technology Task Force – *Rep. Calvin Hill (GA)*
  - Motion to Approve a Resolution in Support of Federal Efforts to Address Rogue Internet Sites that Sell Counterfeit Products and Facilitate Digital Theft – *Rep. Blair Thoreson (ND)*
4. Presentations
  - Biometric Technology: Applications and Policy Considerations – *Mr. Walter Hamilton (International Biometrics & Identification Association)*
  - Current Issues in Internet Governance – *Mr. Steve DelBianco (NetChoice)*
  - Private Sector Efforts to Promote Broadband Adoption – *Ms. Lindsay O’Herrick (Comcast) and Mr. Mike Hiltner (BestBuy)*
  - Net Neutrality Goes to Court: an update – *Mr. Bartlett Cleland (Institute for Policy Innovation)*
5. Legislation
  - Motion to Repeal the Life Line Telephone Service Guidelines – *Rep. Don Parsons (GA) and Mr. Kelly Cobb (Americans for Tax Reform)*
  - Motion to Repeal the Concurrent Resolution Creating a Special Joint Committee to Develop a Comprehensive Telecommunications Plan for the States – *Rep. Don Parsons (GA) and Mr. Kelly Cobb (Americans for Tax Reform)*

- Motion to Repeal the Utility Gross Receipts Tax Act – *Rep. Don Parsons (GA) and Mr. Kelly William Cobb (Americans for Tax Reform)*
- Motion to Repeal the Emergency Telephone Service Enabling Act – *Rep. Don Parsons (GA) and Mr. Kelly Cobb (Americans for Tax Reform)*
- Motion to Repeal the Alternate Certification for Distance Learning Instructors Act – *Rep. Don Parsons (GA) and Mr. Kelly Cobb (Americans for Tax Reform)*
- Motion to Repeal the Resolution Concerning Management of the National Spectrum – *Rep. Don Parsons (GA) and Mr. Kelly Cobb (Americans for Tax Reform)*
- Motion to Repeal the Resolution Urging Congress to Open the Cable Industry to More Competition in the Marketplace – *Rep. Don Parsons (GA) and Mr. Kelly Cobb (Americans for Tax Reform)*

6. New Business

- Launch of Task Force Principles Working Group – *Rep. Blair Thoreson (ND)*
- Status of Task Force Initiatives: the “ALEC Mobile App” and the Telecom & IT Study – *Mr. John Stephenson (ALEC)*

7. Adjourn



COMMON CAUSE  
Holding Power Accountable

**ALEC STATES AND NATION POLICY SUMMIT  
JOINT WORKING GROUP ON 21<sup>ST</sup> CENTURY COMMERCE AND TAXATION  
WEDNESDAY, NOVEMBER 30, 2011  
8:00am-9:00am**

**TENTATIVE AGENDA**

1. Welcome and Introductions
2. Working Group Overview – *Rep. Ken Weyler (NH) and Mr. John Nothdurft (Heartland Institute)*
3. Presentation
  - “Outline for online: What’s next in taxation of remote sales?” – *Andrew Moylan (National Taxpayers Union)*
4. Discussion
5. Adjourn



COMMON CAUSE  
Holding Power Accountable

**ALEC STATES AND NATION POLICY SUMMIT  
TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY  
ONLINE CONSUMER PRIVACY WORKING GROUP MEETING  
THURSDAY, DECEMBER 1, 2011  
9:00am-10:00am**

**TENTATIVE AGENDA**

1. Welcome and Introductions
2. Working Group Overview – *Rep. Blair Thoreson (ND) and Mr. Bartlett Cleland (Institute for Policy Innovation)*
3. Presentation
  - Current Policy Trends in Online Consumer Privacy– *Adam Thierer (Mercatus Center)*
4. Discussion
  - Review of current ALEC policies
  - Discussion of possible changes to ALEC policies
  - Assignment of action items for next ALEC meeting
5. Adjourn



COMMON CAUSE  
Holding Power Accountable

**Telecommunications & Information Technology Task Force Meeting**

**ALEC's 2011 Annual Meeting**

*New Orleans, LA*

**Friday, August 5, 2011**

**Meeting Draft Minutes**

**I. WELCOME, INTRODUCTIONS, AND OLD BUSINESS**

The meeting began at 2:30pm local time. Rep. Blair Thoreson of North Dakota and Bartlett Cleland of IPI, respectively the Task Force Public and Private Sector Co-Chairs, opened the meeting by welcoming the 137 attendees. Task Force members and guests present introduced themselves.

On a motion by Rep. Thoreson, the Task Force unanimously adopted minutes for the Spring Task Force Summit in Cincinnati, OH, which took place on April 30, 2011.

**II. PRESENTATIONS**

The task force first heard a presentation by Larry Downes, author and Senior Fellow with TechFreedom, entitled "The Laws of Disruption: Harnessing the New Forces that Govern Life and Business in the Digital Age."

Rick Cimerman of NCTA gave a presentation to the Task Force on cable industry issues currently before the FCC as well as state legislatures and regulatory bodies.

Wayne Fonteix of AT&T provided the Task Force with a status report on the pending merger between AT&T and T-Mobile.

John Nothdurft with the Heartland Institute gave a report to the Task Force about the first meeting of the Joint Working Group on 21<sup>st</sup> Century Commerce and Taxation, on which he serves as co-chair.

Dan Hewitt of the Entertainment Software Association presented a report on the U.S. Supreme's recent decision in *Brown v. EMA*, which struck down California's law restricting the sales of certain video games to minors.

Steve Titch, a Task Force Advisor and Policy Analyst with the Reason Foundation, gave a presentation on recent federal and state efforts to mandate privacy.

Members posed questions to each of the presenters.

**III. LEGISLATION**

Kelly William Cobb of Americans for Tax Reform and the Task Force's Model Legislation Review Working Group offered three motions to strike: 1) the Resolution on MFJ Restrictions on Manufacturing and IntraLATA Information Services, 2) the Resolution in Favor of Unrestricted Caller\*ID, and 3) the Resolution Lifting the MFJ Restriction on Long Distance

Services. After Mr. Cobb's presentation, there was no further discussion. Then, Mr. Cobb moved and was seconded to consider the three motions on one vote. Both public and private sectors voted unanimously to approve the motions to strike the model resolutions.

Mark Elliott of the U.S. Chamber of Commerce offered a Resolution in Support of Federal Efforts to Address Rogue Internet Sites that Sell Counterfeit Products and Facilitate Digital Theft that was dually referred from the International Relations Task Force. After Mr. Elliott's presentation, there was discussion. Will Castleberry of AOL moved to amend the resolution by striking and adding language. Then, Wayne Fonteix of AT&T offered an amendment to Mr. Castleberry's amendment striking some language, which Mr. Castleberry accepted. Prior to the conclusion of discussion on the amendment, Walter White of Verizon moved to table the underlying resolution. There was no discussion on the motion to table. The private sector voted 19-1 in favor of the motion to table, but the public sector voted only 5-9 in favor; thus, the motion to table failed. The Task Force then proceeded with a vote on the motion to amend by Mr. Castleberry, which was adopted by the private sector 8-1 in favor and by the public sector 19-3 in favor. On final passage of the resolution as amended, the public sector voted 17-1 in favor of the resolution, but the private sector voted 8-8 in favor; thus, the resolution failed on final passage because it failed to achieve a majority of support from the private sector.

John Nothdurft with the Heartland Institute, in his report to the Task Force about the first meeting of the Joint Working Group on 21<sup>st</sup> Century Commerce and Taxation, informed members that the Amendments to the ALEC 21<sup>st</sup> Century Commercial Nexus Act and Streamlined Sales Tax Resolution were withdrawn, but that discussions about underlying topics would continue through the next meeting.

Don Lee of K-12 offered a Resolution Adopting the 10 Elements of High-Quality Digital Learning that was dually referred from the Education Task Force at the request of the Telecom and IT co-chairs. After much discussion, the co-chairs decided to waive their previous request for jurisdiction.

#### **IV. NEW BUSINESS**

Rep. Thoreson said that the Model Legislation Review Working Group would continue to contact Task Force members as part of its efforts to determine whether old model legislation should be kept, amended, or deleted. Finally, Rep. Thoreson recognized Task Force members Sen. Joel Anderson of California, Rep. Calvin Hill of Georgia, and Steve Seale of SAP, as winners of ALEC awards.

#### **V. ADJOURN**

The Task Force meeting adjourned at approximately 5:30pm on a motion by Rep. Thoreson.

## MOTION

Rep. Calvin Hill moves to recommend that the ALEC Board of Directors change the name of the Telecommunications and Information Technology Task Force to **Communications and Technology Task Force.**



COMMON CAUSE  
Holding Power Accountable

## MOTION

Rep. Blair Thoreson moves to approve the following:

1 **A Resolution in Support of Federal Efforts to Address Rogue Internet Sites that Sell**  
2 **Counterfeit Products and Facilitate Digital Theft**

3  
4 WHEREAS, industries that create intellectual property are essential to the economic  
5 competitiveness of the United States and represent the only economic sector in which the United  
6 States has a trade surplus with every nation in the world; and

7  
8 WHEREAS, the United States and all countries share the challenge of combating counterfeiting  
9 and piracy of intellectual property, including illicit trade in pharmaceutical drugs, cutting edge  
10 technologies, film, music, books, and inventions that affect the quality of life; and

11  
12 WHEREAS, counterfeiting and piracy have a significant impact on economies around the world,  
13 which translate into lost jobs, lost earnings, and lost tax revenues, and threaten public health and  
14 safety; and

15  
16 WHEREAS, the sale of counterfeit products— such as fake pharmaceuticals, medical devices,  
17 auto and electrical parts, and many others – on rogue websites not only poses a real danger to  
18 consumer health and safety but also undermines sectors of our national and state economies that  
19 have historically provided secure, well-paying jobs; and

20  
21 WHEREAS, increasingly, consumers are lured to sophisticated websites that appear legitimate  
22 but are in fact devoted almost exclusively to offering or linking to unauthorized downloads or  
23 streaming of copyrighted material – including the latest movies and music hits – or to trafficking  
24 in counterfeit products, from pharmaceutical drugs to luxury goods; and

25  
26 WHEREAS, rogue websites that offer counterfeit and pirated goods attract millions of visitors,  
27 have accumulated billions of dollars of revenues and also threaten legitimate online sources; and

28  
29 WHEREAS, many rogue websites that offer counterfeit and pirated goods are hosted overseas,  
30 which makes it difficult for U.S.-based intellectual property rights holders and U.S. law  
31 enforcement to take effective action against them.

32  
33 NOW, THEREFORE LET IT BE RESOLVED, that the State of [insert state] recognizes the  
34 importance of intellectual property and the evolving challenges and serious threats to its  
35 protection, which affect prospects for future growth of the United States economy; and

36  
37 BE IT FURTHER RESOLVED, that the State of [insert state] supports robust and ongoing  
38 efforts to protect the health and well-being of citizens in the United States from illegal  
39 counterfeiting and piracy; and

40  
41 BE IT FURTHER RESOLVED, that the State of [insert state] supports efforts to enact  
legislation addressing enforcement by state and federal authorities to protect intellectual property

42 rights to combat rogue websites that traffic in pirated music, movies and counterfeit goods and  
43 make it more difficult for rogue websites to operate; and,

44 BE IT FURTHER RESOLVED, that the Secretary of State, or equivalent, of [insert state]  
45 forward this resolution to Members of Congress, the Administration, and the relevant federal  
46 agencies.



COMMON CAUSE  
Holding Power Accountable

## MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Life Line Telephone Service Guidelines** by striking the following:

### ~~Life Line Telephone Service Guidelines~~

~~(The American Legislative Exchange Council does not endorse lifeline telephone service. In many States, lifeline programs are in place or likely will be proposed. The following guidelines can be used by legislators to modify proposed or current lifeline programs to ensure that they are appropriately limited in scope.)~~

~~One of the nationally accepted policy objectives for telephone service is often referred to as “universal service,” as articulated in the Federal Communications Act of 1934. The objective is to make reasonably priced telephone service available to as broad a range of citizens as possible, particularly to the poor and handicapped who might otherwise be unable to afford telephone service. At the same time, the interest of telephone customers and telephone companies is best served by retaining as many paying customers as possible.~~

~~Federal and state regulatory bodies are responding to advances in telecommunications technology by deregulating that industry and fostering competition in more areas of telecommunications. This move toward increased competition brings with it a necessity to more closely align rates with costs, thereby reducing or eliminating telephone subsidies.~~

~~As subsidies erode, those customers receiving their benefits primarily residential customers bear more of the actual costs of telephone service.~~

~~Recognition of the additional pressure on the telecommunications industry has caused many to be concerned that price increases for residential telephone service will threaten the universal service objective.~~

~~Lifeline service is intended to ensure that needy people who rely on the telephone for medical, fire and police emergencies and other essential needs can continue to afford basic telephone service.~~

~~Lifeline services also is intended to mitigate the effects of increasing telephone rates on the poor and the handicapped who rely on telephone services and would be isolated without it. Without lifeline services, many of these people would be unable to retain the benefits of telephone service as prices rise to reflect the actual cost of the service.~~

~~—————When considering a lifeline service plan, it is important to clearly define its~~

40 objective, so that subsidies can be properly targeted to areas of real need and expenses  
41 strictly limited to the amount necessary to achieve the objective.

42 Moreover, lifeline service plans should meet the following guidelines:

43 (A) lifeline telephone service should be a minimal, essential need service, directed to  
44 those individuals truly in need; the service should be limited to individuals (e.g.  
45 the poor and handicapped) who would otherwise have a difficult time  
46 communicating with the outside world;

47 (B) there should be a means test for those people considered for lifeline telephone  
48 service, such as limiting lifeline service to people who qualify for other state  
49 assistance programs; a state social services agency should be responsible for  
50 qualifying eligible recipients;

51 (C) lifeline service should be funded from general state revenues; the availability of  
52 lifeline service is a social decision and should be funded in the same way as other  
53 social programs; it is appropriate that lifeline service be funded by state revenues  
54 rather than by increasing rates to other telephone company customers; the best  
55 way of handling this subsidy would be in the form of tax credit applied to the  
56 telephone company's tax liability.

57



COMMON SENSE  
Holding Power Accountable

## MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Concurrent Resolution Creating a Special Joint Committee to Develop a Comprehensive Telecommunications Plan for the States and to Make Recommendations Thereon to the Legislature** by striking the following:

1 ~~**A Concurrent Resolution: Creating a Special Joint Committee**~~  
2 ~~**to Develop a Comprehensive Telecommunications Plan for the**~~  
3 ~~**State and To Make Recommendations Thereon To the**~~  
4 ~~**Legislature; To Provide For the Membership and**~~  
5 ~~**Organization of the Joint Committee; And For Related**~~  
6 ~~**Purposes**~~

7  
8 **Summary**

9  
10 ~~The challenge for states is to maximize the use of the existing telecommunications~~  
11 ~~infrastructure and plan for a long range solution to the diverse needs of each state which~~  
12 ~~will deploy the necessary technology at a price consumers can afford, regulators can~~  
13 ~~approve and the private sector can provide. This produces an equitable solution to both~~  
14 ~~public and private sector and will enable the stat to compete in the worldwide information~~  
15 ~~marketplace. This evolutionary approach envisions the expansion of high capacity fiber~~  
16 ~~optic communications to provide the broadband telecommunications solutions to many of~~  
17 ~~today's problems in educating and restraining our workforce, providing quality and~~  
18 ~~affordable health care to citizens in rural areas, generating productive jobs, increasing~~  
19 ~~security to individuals and businesses, and increasing the competitive production of~~  
20 ~~goods and services.~~

21  
22 **Model Legislation**

23  
24 ~~**WHEREAS** the Federal Interstate Highway Program was enacted by Congress to~~  
25 ~~provide a 21<sup>st</sup>-Century infrastructure for the transportation of its citizens and~~  
26 ~~commodities; and~~

27  
28 ~~**WHEREAS** the legislature believes that the need for a telecommunications~~  
29 ~~“superhighway” should be studied in order to provide a state-of-the-art infrastructure for~~  
30 ~~the transportation of telecommunications including information services, distance~~  
31 ~~learning, telemedicine, telecommuting, and many others that may not have been~~  
32 ~~identified; and~~

33  
34 ~~**WHEREAS** telecommunications offers solutions in the fields of education,~~  
35 ~~transportation, healthcare, governmental information services, law enforcement, and~~

36 other areas. Each of these needs should be considered in order to design an infrastructure  
37 that can satisfy them; and

38  
39 ~~WHEREAS~~ the objective is to develop a plan which provides the flexibility to deploy  
40 the necessary technology at a price consumers can afford, state regulators can approve,  
41 and the private sector can deliver. The ideal solution will attract industry and benefit  
42 consumers with state-of-the-art services that are universally available at affordable costs.

43  
44 ~~NOW, THEREFORE, BE IT RESOLVED BY THE STATE SENATE, THE~~  
45 ~~HOUSE OF REPRESENTATIVES CONCURRING THEREIN~~, that there is hereby  
46 created a special joint committee to develop a comprehensive telecommunications plan  
47 for the state and to make recommendations thereon to the legislature and

48  
49 ~~BE IT FURTHER RESOLVED~~ that the joint committee shall be composed of two  
50 senators to be appointed by the lieutenant governor and two members of the House of  
51 Representatives to be appointed by the Speaker of the House of Representatives. The  
52 lieutenant Governor shall appoint the chairman to the joint committee and the Speaker of  
53 the House of Representatives shall appoint the vice chairman. The vice chairman shall  
54 also serve as secretary and shall be responsible for keeping all records of the joint  
55 committee. A majority of the members of the joint committee shall constitute a quorum.  
56 All members shall be notified in writing of all meetings. Such notices shall be mailed at  
57 least five days prior to the date on which a meeting is to be held; and

58  
59 ~~BE IT FURTHER RESOLVED~~ that the joint committee is authorized to accept any  
60 money from any source, public or private, to be expended in implementing its duties  
61 under this resolution; and

62  
63 ~~BE IT FURTHER RESOLVED~~ that the joint committee shall not hire any state  
64 employee, but shall utilize the clerical and legal staff already employed by the House and  
65 Senate; and

66  
67 ~~BE IT FURTHER RESOLVED~~ to develop a comprehensive telecommunications plan  
68 for the state, that joint committee should identify all of the diverse needs of the state and  
69 its citizens, analyze existing facilities and systems, and design an ultimate infrastructure.  
70 In order to identify needs, a broad array of telecommunications user and providers should  
71 be surveyed. Regulators, educators, transportation officials, health care providers, prison  
72 commissions, local exchange telephone companies, inter-exchange carriers, computer  
73 companies, broadcasters, cable companies, electric power associations, and many others  
74 shall be invited to participate in the identification of long and short term needs; and

75  
76 ~~BE IT FURTHER RESOLVED~~ that existing facilities and systems includes copper  
77 cables, coaxial cables, fiber optic cables, microwave radio systems, AM and FM radio  
78 transmission facilities, satellite systems, cellular, and mobile systems. While all these  
79 facilities are available to meet specific needs, and integrated approach will provide  
80 efficient, cost-effective use of the total telecommunications infrastructure; and

81

82 ~~BE IT FURTHER RESOLVED~~ that the joint committee shall recommend the financial  
83 resources to be used to implement the plan over the appropriate timetable. The joint  
84 committee shall review laws relating to the telecommunications industry and shall make  
85 recommendations to remove any barriers which would prevent or delay implementation  
86 of the plan.

COMMON CAUSE  
Holding Power Accountable



# MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Utility Gross Receipts Tax Act** by striking the following:

## ~~Utility Gross Receipts Tax Act~~

### ~~*Suggested Legislation*~~

~~[Title, enacting clause, etc.]~~

#### ~~Section 1. [Definitions.]~~

~~(A) "Telephone company" means a person who owns or operates a telephone line or a telephone network in this State, charges for its use, and is regulated by the public utility commission as a certificated provider of local exchange telephone service.~~

~~(B) "Local exchange telephone service" means the provisions by a telephone company of an access line and dial tone to a fixed location for sending and receiving telecommunications in the telephone company's local exchange network.~~

~~(C) "Gross operating revenues" from a telephone company means the total revenues derived from the provision of local exchange telephone service. "Gross operating revenues" does not include any amounts received by a person or business for the provision of facilities, billing services or other services or network access utilized by another business or person in its provision of telecommunications services.~~

### ~~*Classification of Property for Taxation*~~

#### ~~Section 2. [Classification of Property for Taxation]~~

~~(A) There are established the following classes of property for taxation:~~

~~(1) — Class one: All real and personal property except that which is included in Class Two.~~

~~(2) — Class two:~~

~~(a) All property, both real and personal, of gas, water, and electric utility companies and pipeline companies; or~~

~~(b) All real and personal property used to provide local exchange telephone services.~~

#### ~~Section 3. [Severability Clause.]~~

#### ~~Section 4. [Repealer Clause.]~~

#### ~~Section 5. [Effective Date.]~~

## MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Emergency Telephone Service Enabling Act** by striking the following:

### **~~Emergency Telephone Service Enabling Act~~**

~~It is in the public interest to provide for a single, primary three digit emergency number through which emergency services can be quickly contacted by the public. This act will provide some general guidelines to set up a 9-1-1 emergency number.~~

#### **~~Model Legislation~~**

~~[Title, enacting clause, etc.]~~

**~~Section 1.~~** ~~[Short Title] This act shall be cited as the **Emergency Telephone Service Enabling Act**~~

**~~Section 2.~~** ~~[Purpose] The General Assembly finds that is in the public interest to provide for a single, primary three digit emergency number through which emergency services can be quickly contacted by the public. The primary emergency telephone number for the state shall be 9-1-1.~~

**~~Section 3.~~** ~~[Definitions.]~~

**~~Section 4.~~** ~~The local governing body shall establish an E-9-1-1 commission and approve the E-9-1-1 Commission's service plan.~~

**~~Section 5.~~** ~~The E-9-1-1 Commission shall establish security requirements outlined by the service supplier; determine the number and location Public Safety Answering Points, perfect address and numbering plans, and devise and E-9-1-1 service plan.~~

**~~Section 6.~~** ~~Unless waived, a public referendum shall be utilized to establish a E-9-1-1 System.~~

**~~Section 7.~~** ~~Private listing subscribers waive any privacy afforded by non-listed or non-published numbers.~~

**~~Section 8.~~** ~~E-9-1-1 service plans should be calculated on an individual basis.~~

**~~Section 9.~~** ~~All E-9-1-1 nonrecurring and recurring costs should be funded by a state general revenue tax.~~

38 ~~Section 10.~~ Neither nonrecurring nor recurring costs shall include overhead, supplies,  
39 personnel, vehicles or building costs not directly related to the provision of the E-9-1-1  
40 system.

41  
42 ~~Section 11.~~ Each local governing body shall pay all costs of establishing, furnishing,  
43 equipping and maintaining Public Safety Answering Points.

44  
45 ~~Section 12.~~ Costs for E-9-1-1 service plans would be calculated on an individual basis.

46  
47 ~~Section 13.~~ Nonrecurring costs should be billed to the local governing body. Recurring  
48 costs should be paid directly to the service supplier.

49  
50 ~~Section 14.~~ Billing and service for the E-9-1-1 service should be provided on a exchange  
51 basis rather than county line basis. If not, all additional costs should be in addition to the  
52 nonrecurring and recurring costs within the E-9-1-1 service plan.

53  
54 ~~Section 15.~~ Local exchange services shall provide to the E-9-1-1 service supplier all  
55 names, addresses and telephone numbers of its subscribers within the E-9-1-1 service  
56 area with compensation for such determined within its tariff. Subscriber information  
57 remains the property of the local exchange service and cannot be used for any purposes  
58 other than E-9-1-1 service requirements.

59  
60 ~~Section 16.~~ Competitive bidding is not required to use the local telephone network to  
61 provide E-9-1-1 Service, which is approved by the local governing body or E-9-1-1  
62 Commission, because of local telephone boundary assignments.

63  
64 ~~Section 17.~~ The service supplier is not liable for any damages or loss associated with the  
65 E-9-1-1 system unless willful and wanton negligence is present.

66  
67 ~~Section 18.~~ An unpublished alternative emergency number shall be maintained for use by  
68 emergency operators and services.

69  
70 ~~Section 19.~~ All pay station or coin-operated telephones shall be converted to allow 9-1-1  
71 emergency calls to be made without charge.

72  
73 ~~Section 20.~~ [Severability Clause.]

74  
75 ~~Section 21.~~ [Repealer Clause.]

76  
77 ~~Section 22.~~ [Effective Date.]

## MOTION

Rep. Don Parsons and Mr. Kelly William Cobb move to repeal the **Alternate Certification for Distance Learning Instructors Act** by striking the following:

1                    **~~Alternate Certification for Distance Learning Instructors Act~~**

2                    ***Summary***

3                    ~~It is the ultimate responsibility of the state to guarantee students access to the best~~  
4                    ~~possible education. Traditionally this has been provided through on site teachers, but~~  
5                    ~~increasingly the states are turning to private sector experts as the best source for up to~~  
6                    ~~date instruction. Often these experts can be brought into the class through distance~~  
7                    ~~learning facilities. In order to prepare students for the twenty first century, they must~~  
8                    ~~learn from specialists, the technological experts in the constantly changing high demand~~  
9                    ~~areas of mathematics, science and foreign languages.~~

10                    ~~While many of these experts are not certified teachers, they remain highly qualified~~  
11                    ~~instructors for children. Accordingly, the state has an overriding interest, in the case of~~  
12                    ~~educating our students, to provide an alternate or cross border waiver from teacher~~  
13                    ~~certification for proficient distance learning instructors.~~

14                    ***Model Legislation***

15                    **~~Section 1. {Title.}~~** This Act may be cited as the ~~Alternate Certification for Distance~~  
16                    ~~Learning Instructors Act.~~

17                    **~~Section 2. {Statement of Purpose.}~~** ~~Be it enacted by the legislature that the (Education~~  
18                    ~~Code), relating to the authority of school districts to certify persons to teach who are not~~  
19                    ~~graduates of teacher education programs, is amended by adding (Section) to read as~~  
20                    ~~follows: District Certification:~~

21                    ~~(A) The (State local) board of trustees of a school district shall by written policy provide~~  
22                    ~~for the certification and employment as distance learning instructors of persons who do~~  
23                    ~~not hold teaching certificates issued by the state.~~

24                    ~~(B) If a distance learning instructor is already a certified teacher in another state and the~~  
25                    ~~distance learning class originates in said state, their certification shall be recognized and~~  
26                    ~~deemed sufficient.~~

27                    ~~(C) Instructors who are not certified by the state, but who have expertise in the studies of~~  
28                    ~~mathematics, science, and foreign languages, shall be utilized and approved by the (State-~~  
29                    ~~local) board of trustees of a school district as a distance learning instructor if:~~

- 30 ~~(1) there are no certified teachers available who are of equal technical competence in~~  
31 ~~their area of expertise and in dealing with the distance learning technology; and~~
- 32 ~~(2) there shall be a certified teacher/facilitator in the classroom with the students during~~  
33 ~~the distance learning class.~~
- 34 ~~(D) The policy must provide for a person being certified to satisfactorily complete:~~
- 35 ~~(1) an examination of general knowledge to determine if the person's basic skills in~~  
36 ~~reading, writing, and mathematics are sufficient to perform satisfactorily as a teacher; and~~
- 37 ~~(2) a one semester provisional certification~~
- 38 ~~(E) To qualify under this Act for provisional certification to teach primary grades, a~~  
39 ~~person shall have a bachelor's degree from an institution of higher education that is~~  
40 ~~accredited by a recognized accrediting agency.~~
- 41 ~~(F) To qualify under this Act for provisional certification to teach secondary grades, a~~  
42 ~~person must have a bachelor's degree from an institution of higher education that is~~  
43 ~~accredited by a recognized accrediting agency.~~
- 44 ~~(G) The (State local) board shall issue final cross-border waiver based on terms stated in~~  
45 ~~Section 2(B).~~
- 46 ~~(H) The (State local) board shall issue final certification based on an evaluation of:~~
- 47 ~~(1) the person's academic knowledge;~~
- 48 ~~(2) the person's ability to communicate information effectively to pupils;~~
- 49 ~~(3) the person's ability to utilize effectively the distance learning technology;~~
- 50 ~~(4) the academic achievement of pupils taught by the person during professional~~  
51 ~~certification.~~
- 52 ~~(I) The board shall report the issuance of a certificate of cross-border waiver under this~~  
53 ~~Act to the (state board of education).~~
- 54 ~~(J) A person certified under this Act shall be subject to all provisions of this code relating~~  
55 ~~to teachers except any provision that requires a teaching certificate required by the state.~~
- 56 ~~(K) The (certifying agency) of a school district shall recognize as reciprocal, within that~~  
57 ~~district, a certification or cross-border waiver that was issued under this Section by~~  
58 ~~another district.~~

59 ~~(L) After the provisional certificate the district shall present the individual to the state~~  
60 ~~certification board for full certification or permanent cross border waiver.~~

61 ~~(M) The state shall certify any person presented by a school district for full certification~~  
62 ~~or permanent waiver.~~

63 ~~(N) Every three years the state board shall review the candidate submissions from the~~  
64 ~~districts to evaluate the effectiveness and quality of the individual district programs.~~

65 ~~**Section 3. (Definitions.)** “Distance learning” means the transmission of educational~~  
66 ~~information and interaction of geographically dispersed individuals or groups through a~~  
67 ~~single medium or a combination of audio, video, and data.~~

68 ~~**Section 4. (Severability clause.)**~~

69 ~~**Section 5. (Repealer clause.)**~~

70 ~~**Section 6. (Effective date.)**~~

71 *ALEC's 1995 Sourcebook of American State Legislation*



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31 everyday life for all Americans are being delayed because of the immediate need for  
32 additional spectrum to be allocated;

33 ~~**WHEREAS** in order to ensure more efficient use of any future allocations of new  
34 spectrum, public policy must foster multiple diverse competitors, including experienced  
35 telecommunications providers, to seek licenses for these frequencies;~~

36 ~~**WHEREAS** market based mechanisms should be used to deter uncontrolled speculation  
37 that has occurred in prior allocations of spectrum and the subsequent awarding of radio  
38 construction permits and licenses;~~

39 ~~**WHEREAS** the importance of wireless services requires a consistent regulatory policy,  
40 including streamlining regulation and deregulation of all competitive services, so that  
41 new services are deployed in ways that are more efficient and responsive to marketplace  
42 demands.~~

43 ~~**NOW THEREFORE BE IT RESOLVED** that all state delegations to the United States  
44 Congress and Commissioners of the Federal Communications Commission are urged to  
45 vigorously support all appropriate legislation, with sufficient safeguards to ensure  
46 continued consumer protection and states rights, that would further the development of  
47 and deployment of new radio based, or wireless, technologies that will bring many public  
48 benefits by increasing America's competitive edge and improving the quality of everyday  
49 life for all Americans;~~

50 ~~**BE IT FURTHER RESOLVED** that any such Congressional actions and legislation  
51 should focus upon, or contain, the intent of the following guidelines:~~

52 ~~—— Implement market based mechanisms, such as competitive bidding or auctions for  
53 spectrum assignment, which would greatly reduce or eliminate speculation;~~

54 ~~—— Reduce regulation and rules to encourage flexible use of all assigned frequencies,  
55 while maintaining broad requirements for compatibility and interference protection,  
56 thereby encouraging development of new innovations in services and ensuring more  
57 efficient use of all assigned spectrum~~

58 ~~—— Ensure that allocation and frequency assignments carefully and fairly balance the  
59 competing demands of new, proposed services and the rights of existing users of more  
60 mature technologies and services;~~

61 ~~—— Promote the continued development of a national public switched network as the  
62 ultimate backbone for an integrated, national communications system, encompassing  
63 both wire and radio based telecommunications service;~~

64 ~~—— Promote the deployment of fiber and other wire based networks by all private  
65 telecommunications companies, so that spectrum can be reallocated from point-to-point  
66 microwave systems, television broadcasters, and, to a lesser extent, radio broadcasters to~~

67 ~~new, more efficient spectrum services, such as cellular mobile telephone, proposed~~  
68 ~~personal communications services, and to meet the growing needs of state and local~~  
69 ~~public safety providers;~~

70 ~~——Ensure regulatory and tax parity among all new and existing radio-based~~  
71 ~~competitors who offer like, or similar, telecommunications services.~~

72 ~~**BE IT FURTHER RESOLVED** that the staff of the American Legislative Exchange~~  
73 ~~Council transmit copies of this resolution to the President and Vice President of the~~  
74 ~~United States, the Speaker of the House of Representatives, the President of the Senate,~~  
75 ~~to all state delegations to the United States Congress and to all Commissioners of the~~  
76 ~~Federal Communications Commission.~~

77 ~~*As adapted from an ALEC State Factor written and approved by the Task Force on*~~  
78 ~~*Telecommunications in February of 1990.*~~



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# 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.

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## 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.

**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.

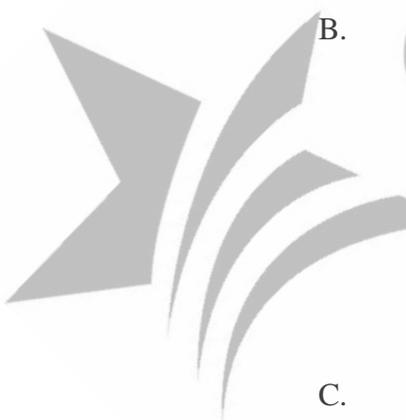
**The Task Force Board Committee Co-Chairs** shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill 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.

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- 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 31<sup>st</sup>, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two **Co-Chairs**; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in

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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

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.

**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

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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.

## 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.