

MEMORANDUM

TO: ENERGY, ENVIRONMENT AND AGRICULTURE TASK FORCE MEMBERS
FROM: JOHN EICK, TASK FORCE DIRECTOR
DATE: OCTOBER 30, 2014
RE: 35-DAY MAILING—2014 STATES & NATION POLICY SUMMIT

The American Legislative Exchange Council will host its **States & Nation Policy Summit** on **December 3-5 in Washington, D.C.** at the **Hyatt Regency Capitol Hill**. If you have not yet registered for this meeting, please click [here](#) for registration information or go to www.alec.org.

The following meetings and events should be of interest to members of the Energy, Environment and Agriculture Task Force:

Thursday, December 4

2:30 PM – 3:30 PM – Energy Subcommittee Meeting
3:30 PM – 4:30 PM – Environmental Health and Regulation Subcommittee Meeting
4:30 PM – 5:30 PM – Agriculture Subcommittee Meeting

Friday, December 5

9:30 AM – 10:45 AM – Workshop: The Greening of Planet Earth
2:30 PM – 5:30 PM – Energy, Environment & Agriculture Task Force Meeting

Additional workshops are currently being developed and will be announced soon.

The following materials are attached:

- Attendee Registration & Spouse/Guest Registration Housing Form
- States & Nation Policy Summit Agenda
- Agenda for the Energy, Environment and Agriculture Task Force Meeting
- Agenda for Energy, Environmental Health and Regulation and Agriculture Subcommittee Meetings
- Proposed Model Policies
- Review of Model Policies Adopted in 2009
- Reimbursement Policy
- ALEC Mission Statement

As a reminder, the attached is not official ALEC model policy until it passes the Energy, Environment and Agriculture Task Force and ALEC's National Board of Directors.

If you have any questions or concerns regarding the meeting, please contact me at (571) 482-5008 or by e-mail at jeick@alec.org.

Sincerely,

John Eick

2014 ALEC STATES & NATION POLICY SUMMIT

December 3 – 5, 2014

Hyatt Regency Washington

400 New Jersey Avenue, NW • Washington, D.C. 20001



ATTENDEE REGISTRATION / HOUSING FORM

Early registration deadline: October 30, 2014

Housing cut-off date: October 30, 2014

Online www.alec.org Email meetings@alec.org Fax 703.373.0932 Phone / Questions 571.482.5056 (Mon-Fri, 9am-5pm EST)

ATTENDEE INFORMATION

Prefix _____ First Name _____ Middle Initial _____ Last Name _____ Suffix(s) : _____

Organization (required) _____ Title _____

Preferred Mailing Address: Business Home _____

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

Preferred Phone Work Home Mobile _____ Alternate phone Work Home Mobile _____ Fax _____

Email (confirmation will be sent by email) _____

On-site Emergency Information Name of Person to Contact: _____ Phone _____ Relationship to You: _____

Do you have any special physical, dietary (for example, vegetarian, kosher), or other needs: Yes No

If yes, please describe: _____

This is my first time attending an ALEC event.

***Spouse / Guest:** If registering a spouse or guest, please complete the spouse/guest registration form. Spouse / guest registration is meant to accommodate legal spouses and immediate family members. Attendees from the same organization must register independently.

REGISTRATION INFORMATION

**** Please note that member fees are subject to verification**

	EARLY until Oct 30	ON-SITE begin Oct 31	DAILY
<input type="checkbox"/> ALEC Legislative Member	\$400	\$475	\$300
<input type="checkbox"/> Legislator / Non-Member*	\$475	\$575	\$400
<input type="checkbox"/> Newly Elected Legislator (2014 Election Cycle)	\$400	\$475	\$300
<input type="checkbox"/> ALEC Private Sector Member	\$650	\$750	\$445
<input type="checkbox"/> Private Sector / Non-Member*	\$750	\$850	\$545
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$525	\$625	\$400
<input type="checkbox"/> Non-Profit Non-Member* (501(c)(3) status required)	\$675	\$825	\$500
<input type="checkbox"/> Legislative Staff / Government	\$400	\$475	\$300
<input type="checkbox"/> ALEC Alumni Society Member	\$400	\$475	\$300
<input type="checkbox"/> ALEC Legacy Member	\$0	\$0	\$0
<input type="checkbox"/> ACCE Public Sector Member	\$400	\$475	\$300
<input type="checkbox"/> ACCE Public Sector Non-Member	\$475	\$575	\$400

For Daily Registration, select which day: Wed Thur Fri **REGISTRATION FEES: \$ _____**

***Non-Members must receive prior approval to attend a Task Force Meeting**

Yes, I'd like to attend a Task Force Meeting as a Non-Member No, thank you

_____ Initial Here that you have read and agree to these terms as a Non-Member Attendee

REGISTRATION CONFIRMATION INFORMATION

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

METHOD OF REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately.

Amer Express Visa MasterCard

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) _____ Security Code _____

Signature _____

Note: Registration forms with enclosed payments must be received by October 30, 2014 to be eligible for early bird registration rates. Forms and/or payments received after October 30, 2014 will be subject to the on-site registration rate.

REGISTRATION CANCELLATION / REFUND

INFORMATION Registrations cancelled prior to 5pm EST October 30, 2014 are subject to a \$100 cancellation fee.

Registrations are non-refundable after 5pm EST October 30, 2014.

HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS: OCTOBER 30, 2014

Hyatt Regency Washington Arrival Date _____ Departure Date _____

Sharing with: (Maximum 4 guests per room) _____

Room Type	Special requests	
<input type="checkbox"/> Single (1 person – 1 bed)	<input type="checkbox"/> ADA room required: ___ Audio ___ Visual ___ Mobile	\$269
<input type="checkbox"/> Double (2 persons – 1 bed)	<input type="checkbox"/> Rollaway / crib: _____	\$269
<input type="checkbox"/> Double/ Double (2 persons – 2 beds)	<input type="checkbox"/> Other: _____	\$269
<input type="checkbox"/> Triple (3 persons – 2 beds)		\$294
<input type="checkbox"/> Quad (4 persons – 2 beds)		\$319

All rates DO NOT include occupancy and D.C. sales tax currently 14.5% per night (subject to change)

Note: Cutoff for reservations at the ALEC rate is October 30, 2014. After October 30, 2014, every effort will be made to accommodate new reservations, based on availability and rate. Room types and special requests are not guaranteed. The hotel will assign specific room types at check in, based upon availability.

HOUSING CONFIRMATION INFORMATION

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

Credit Card Information/ Reservation Guarantee

Credit Card information is required at time of reservation to guarantee the reservation. Card must be valid through December 2015.

Please use the same credit card information as above.

Amer Express Visa MasterCard Discover

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) _____ Security Code _____

Signature _____

HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Please obtain a cancellation number when your reservation is cancelled.

2014 ALEC STATES & NATION POLICY SUMMIT

December 3 – 5, 2014

Hyatt Regency Washington
400 New Jersey Avenue, NW • Washington, D.C. 20001



SPOUSE/GUEST REGISTRATION FORM

Online
www.alec.org

Fax (credit cards only)
703.373.0932

Phone / Questions • Mon-Fri, 9am-5:00 pm EST
571.482.5056

ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

First Name _____ Last Name _____

Organization _____

Daytime phone _____

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

SPOUSE / GUEST REGISTRATION

SPOUSE / GUEST REGISTRATION GUIDELINES

1. Spouse / guest registration is meant to accommodate legal spouse and immediate family members.
2. Attendees from the same organization must register independently. No exception will be made.
3. Spouse / guest designation will be clearly visible on name badge.

SPOUSE/GUEST 1:

Prefix _____ Last Name _____ First Name _____ Middle initial _____

Special physical, dietary, or other needs: Yes No If yes, please describe: _____

SPOUSE/GUEST 2:

Prefix _____ Last Name _____ First Name _____ Middle initial _____

Special physical, dietary, or other needs: Yes No If yes, please describe: _____

SPOUSE / GUEST REGISTRATION FEES	Number of Spouse/Guest(s)	Fee	TOTAL
<input type="checkbox"/> Spouse / Guest <i>please note name(s) above</i>	_____	\$ 150	\$ _____

METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT

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

- Amer Express Card # _____
- Visa Cardholder (*please print*) _____
- MasterCard Exp Date (*mm/yy*) _____ / _____ Security Code _____
Signature _____

REGISTRATION CONFIRMATION INFORMATION

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

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm EST October 30, 2014 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm EST October 30, 2014.

ALEC 2014 States & Nation Policy Summit

Tentative Agenda

Tuesday, December 2

- 9:00am - 5:00pm Joint Board of Directors Meeting
- 1:00pm - 6:00pm Registration
- 2:00pm - 6:00pm Exhibitor Set Up
- 6:00pm - 9:00pm Board of Directors Reception and Dinner

Wednesday, December 3

- 7:00am - 6:00pm Registration
- 7:00am - 9:00am Exhibitor Set Up
- 8:00am - 11:15am Subcommittee Meetings (Check with Task Force Director)
- 9:00am - 5:00pm ALEC Exhibition Hall Open
- 9:00am - 10:00am First Time Attendees Meeting
- 9:00am - 11:00am State Chairs Meeting
- 11:30am - 1:15pm Opening Lunch (Speakers TBA)
- 1:30pm - 2:45pm Policy Workshops (Topics TBA)
- 3:00pm - 4:15pm Policy Workshops (Topics TBA)
- 5:30pm - 7:00pm Thomas Jefferson Reception

Thursday, December 4

- 7:00am - 7:00pm Registration
- 8:00am - 9:15am Plenary Breakfast (Speakers TBA)
- 9:30am - 5:00pm ALEC Exhibition Hall Open
- 9:30am - 10:45am Policy Workshops (Topics TBA)

- 11:00am - 12:15pm Policy Workshops (Topics TBA)
- 12:30pm - 2:15pm Plenary Lunch (Speakers TBA)
- 2:30pm - 5:30pm Civil Justice Task Force Meeting
- 2:30pm - 5:30pm Commerce, Insurance, and Economic Development Task Force Meeting
- 2:30pm - 5:30pm Communications and Technology Task Force Meeting
- 2:30pm - 5:30pm Education Task Force Meeting
- 6:00pm - 7:30pm Holiday Party

Friday, December 5

- 7:30am - 3:00pm Registration
- 8:00am - 9:15am Plenary Breakfast (Speakers TBA)
- 9:30am - 2:00pm ALEC Exhibition Hall Open
- 9:30am - 10:45am Policy Workshops (Topics TBA)
- 11:00am - 12:15pm Policy Workshops (Topics TBA)
- 12:30pm - 2:15pm Plenary Lunch (Speakers TBA)
- 2:30pm - 5:30pm Energy, Environment, and Agriculture Task Force Meeting
- 2:30pm - 5:30pm Health and Human Services Task Force Meeting
- 2:30pm - 5:30pm International Relations Task Force Meeting
- 2:30pm - 5:30pm Justice Performance Project Meeting
- 2:30pm - 5:30pm Tax and Fiscal Policy Task Force Meeting
- 5:30pm - 6:30pm National Chair's Reception (Members Only)
- 7:00pm - 11:00pm State Night (Contact Your State Chair)

**ENERGY, ENVIRONMENT AND AGRICULTURE
TASK FORCE MEETING**

2014 STATES & NATION POLICY SUMMIT

WASHINGTON, D.C.

DECEMBER 5, 2014

2:30PM – 5:30PM

TENTATIVE AGENDA

- 2:30 PM Call to Order, Welcome and Introductions
- 2:35 PM Presentation: Tracking the Economic Impact of Federal Action on Endangered Species
- 2:50 PM Model Policy: State Endangered Species Conservation and Coordination Act
- 3:00 PM Presentation: Toxic Substance Control Act (TSCA) Reform and Chemical Policy Update
- 3:15 PM Presentation: Section 111(d) and the Path Forward: The Role of State Agencies and Officials
- 3:35 PM Model Policy: Act Requiring Approval of State Plan to Implement EPA's Carbon Guidelines
- 3:45 PM Model Policy: The Reliable, Affordable and Safe Power (RASP) Act
- 3:55 PM Presentation: Ozone National Ambient Air Quality Standards (NAAQS)
- 4:10 PM Model Policy: Resolution Supporting Reasonable Reconsideration of the National Ambient Air Quality Standard for Ozone
- 4:15 PM Model Policy: Resolution Supporting a Robust 2017-2022 Outer Continental Shelf Leasing Program
- 4:20 PM Presentation: Expanding Markets for Coal
- 4:35 PM Model Policy: ALEC Environmental Management and Protection Principles
- 4:45 PM Model Policy: Resolution Urging Congress to Replace the Environmental Protection Agency
- 5:00 PM Presentation: Taxes and Energy: The Importance of Cost Recovery
- 5:15 PM Annual Model Policy Review
- 5:25 PM For the Good of the Order
- 5:30 PM Adjournment
- Addendum Model Policy: Resolution in Support of Lifting Federal Restrictions on Crude Oil Exports*

* This resolution was submitted to the Energy, Environment and Agriculture Task Force for consideration at the 2014 States and Nation Policy Summit. Task Force jurisdiction will be determined within the next ten days pursuant to the Task Force Operating Procedures.



ENERGY SUBCOMMITTEE MEETING

2014 STATES & NATION POLICY SUMMIT

WASHINGTON, D.C.

DECEMBER 4, 2014

2:30PM – 4:00 PM

TENTATIVE AGENDA

- 2:30 PM Call to Order, Welcome, and Introductions
- 2:35 PM Presentation: The Value of America's Diverse Electricity Portfolio
- 2:50 PM Model Policy: Act Requiring Approval of State Plan to Implement EPA's Carbon Guidelines
- 3:00 PM Model Policy: The Reliable, Affordable and Safe Power (RASP) Act
- 3:10 PM Model Policy: Resolution Urging Congress to Replace the Environmental Protection Agency
- 3:20 PM Model Policy: Resolution Supporting Reasonable Reconsideration of the National Ambient Air Quality Standard for Ozone
- 3:25 PM Model Policy: Resolution Supporting a Robust 2017-2022 Outer Continental Shelf Leasing Program
- 3:30 PM Panel Discussion: How State Policy Network Groups Use Grassroots, Social Media and Other Strategies to Effect Positive Change in Energy and Environmental Policy
- 4:00 PM Adjournment

ENVIRONMENTAL HEALTH SUBCOMMITTEE MEETING

2014 STATES & NATION POLICY SUMMIT

WASHINGTON, D.C.

DECEMBER 4, 2014

4:00 PM – 4:45 PM

TENTATIVE AGENDA

- | | |
|---------|---|
| 4:00 PM | Call to Order, Welcome, and Introductions |
| 4:05 PM | Presentation: Big Green Radicals |
| 4:20 PM | Model Policy: ALEC Environmental Management and Protection Principles |
| 4:30 PM | Presentation: Extended Producer Responsibility |
| 4:45 PM | Adjournment |



AGRICULTURE SUBCOMMITTEE MEETING

2014 STATES & NATION POLICY SUMMIT

WASHINGTON, D.C.

DECEMBER 4, 2014

4:45 PM – 5:30 PM

TENTATIVE AGENDA

- | | |
|---------|---|
| 4:45 PM | Call to Order, Welcome, and Introductions |
| 4:50 PM | Model Policy: State Endangered Species Conservation and Coordination Act |
| 5:10 PM | Presentation: Beyond Fuels: Unintended Consequences of Renewable Fuel Mandates on the U.S. Agricultural Community |
| 5:30 PM | Adjournment |

State Endangered Species Conservation and Coordination Act

Section 1. {Long Title} An act relating to states balancing the conservation of imperiled species, as it relates to the Endangered Species Act, with the economic and financial well-being of {state} and its citizens.

Section 2. {Purpose}

The purpose of this Act is to:

1. Establish a mechanism for {state} to create an interagency task force on endangered species and economic growth for the purpose of providing information and direction regarding endangered species issues in certain areas of the state;
2. Establish a mechanism for {state} agencies to provide policy and technical assistance regarding compliance with endangered species laws and regulations to local and regional governmental entities and their communities engaged in economic development activities so that compliance with endangered species laws and regulations is as effective and cost-efficient as possible;
3. Establish a mechanism for {state} to fund and coordinate high quality scientific research on species that are already protected or may be protected under endangered species laws and regulations;
4. Encourage {state} to use the authority under this Act to develop conservation plans for species that are protected or may be protected under endangered species laws and regulations so that such plans will help {state} to comply with endangered species laws and policies in the most effective and cost-efficient method possible; and
5. Establish a mechanism by which {state} can protect the confidentiality of property owners who voluntarily consent to have their property surveyed for endangered or potentially endangered species, or who voluntarily consent to participate in a conservation plan, or both.

Section 3. {Definitions}

1. “Endangered Species Act” or “ESA” means the federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.).
2. “Endangered species” means any endangered, threatened, proposed or candidate species under the Endangered Species Act.
3. “Task force” means the interagency task force on endangered species and economic growth created by this Act.
4. “Research” means scientifically valid research on species that are already protected under the Endangered Species Act or potentially could be protected.
5. “Advisory Committee” means a body appointed by the task force presiding officer to assist the task force to fulfill its duties and responsibilities.
6. “Conservation plan” means species conservation plans that promote compliance with federal law protecting endangered species, species proposed for listing, and candidate

species in a manner consistent with **{state's}** economic development and fiscal stability.

7. “Confidential information” means any data collected about landowner, species and property location from a private landowner by a state or municipal agency in the furtherance of the roles, responsibilities and duties of the task force.
8. “State agency” means any state agency, authority or body that is created and authorized by the **{state}** legislature

Section 4. {Creation of Task Force}

1. The task force on endangered species and economic growth is created and composed of:
 - a. The head of a state agency that has as its mandate the economic and financial well-being of a state;
 - b. The head of the state agriculture agency;
 - c. The head of state wildlife agency;
 - d. The head of the transportation agency; and
 - e. The head of the state soil and water conservation agency, or other such similar agency.
2. The presiding officer of the task force shall be the head of the state agency that has as its mandate the economic and financial well-being of the state.¹
3. The task force shall meet as often as necessary to fulfill its duties under this act.
4. New members may be added to the task force by the unanimous consent of the existing members.

Section 5. {Task Force Functions and Duties}

1. The task force shall:
 - a. Assess the economic impact on **{state}** of federal, state, and local regulations relating to endangered species;
 - b. Assist landowners and other persons in **{state}** to identify, evaluate, and implement cost-effective strategies for mitigating impacts to and recovery of endangered species that are consistent with economic growth and development in **{state}**;
 - c. Develop and manage a website administered and controlled by the state agency that has as its head the presiding officer of the task force. The purpose of the website is to serve as a clearinghouse for information and data that can include, but is not limited to, species that are currently and potentially protected under the Endangered Species Act, basic “how to” information to help citizens understand, cope with and respond to the Endangered Species Act, relevant news and updates, reports, links to important information and resources, information about the task force and its activities, and ongoing information about conservation plans;
 - d. Facilitate state and local governmental efforts to implement endangered species regulations in a cost-effective manner;
 - e. Oversee the development of high quality research on priority species that is acceptable and usable by the U.S. Fish & Wildlife Service or National Marine Fisheries Service in their Endangered Species Act listing decisions, with

¹ The State of Texas has a similar task force that is led by the Texas Comptroller of Public Accounts.

particular emphasis on; preventing species from being listed, supporting the use of conservation plans for listed and potentially listed species, providing high quality data so more informed decisions can be made regarding conservation and economic activities, and removing, or delisting, species from protection of the Endangered Species Act.

- i. Should state funds be made available for research, the state agency of the task force's presiding officer shall be responsible for controlling, administering and overseeing the use of these funds.
- ii. The presiding officer of the task force may enter into interagency contracts, after appropriate coordination which may include using advisory committees, with state public universities with demonstrated experience in species or habitat research, evaluation, and analysis to conduct research studies on species of interest, including candidate, proposed, threatened, or endangered species and appropriate contract administration.
- iii. The organizational framework for the development of species research consists of various working groups and bodies, all of which report directly to the Certified Public Accountant (CPA), who is appointed by the presiding officer of the Task Force, with their findings and recommendations. Species research may consist of the following working groups:
 1. Science Working Group
 - a. Purpose: to identify and prioritize species for research using selection criteria
 - b. The selection criteria are:
 - i. potential economic impacts
 - ii. gaps in species data
 - iii. timing based on expected federal actions.
 - c. Science Working Group to be selected by CPA
 2. Economic Impact Working Group
 - a. Purpose: Provide input on current and future economic activity and potential impacts from species listings in **{state}** to be used by the Science Working Group.
 - b. Economic Impact Working Group to be selected by CPA but composed of:
 - i. Economists and qualified representatives from affected industries
 3. Scoring Working Group
 - a. Purpose: Evaluate and score the proposals submitted in response to RFPs (requests for proposals for species research)
 - b. Scoring Working Group to be selected by CPA but composed of:
 - i. Scientists from **{state}** or out of state universities, nonprofit organizations or state/federal agencies.

- Science Working Group may provide recommendations to Scoring Working Group.
- c. Species specific teams may also be appointed by the CPA. Such teams shall include scientists that have expertise with specific species. Such teams may:
 - i. assist Scoring Working Group with RFP evaluations/scoring
 - ii. include scientists from **{state}**, other states or state/federal agency scientists.
4. Conflicts of Interest
 - a. Science and Scoring Working Group members shall be screened for conflicts of interest and required to sign a conflict of interest form and a non-disclosure agreement.
 - b. Scoring Working Group members are not allowed to submit proposals for any RFP they evaluate, or they must recuse themselves from such scoring if they do submit, or are associated in any way with, a proposal.
 5. Independent verification
 - a. CPA will contract with an independent, third party audit firm to review program performance and research project process verification.
 6. Peer Reviewed and Published Data
 - a. Peer review process will be used to publish data, either in scholarly journals or in publicly available reports
 - b. Technical advisory committees can serve as the peer review forum throughout the lifetime of the project.
2. If requested by a local government or a state official, the task force may review state and local governmental efforts to address endangered species issues and provide recommendations to make those efforts more cost-effective. The task force shall consider all available options as part of its recommendations. The options considered must include:
 - a. Free simple acquisition of land;
 - b. Conservation easements;
 - c. Use of land owned by local government or **{state}**;
 - d. Recovery crediting; and
 - e. All relevant federal programs.

Section 6. {Advisory Committees}

1. With the advice of the task force, the presiding officer of the task force may create advisory committees to assist the task force with its work. Of the members of an advisory committee:
 - a. One-third must be representatives of affected landowners;
 - b. One-third must be representatives of conservation interests; and
 - c. One-third must be representatives of municipalities or other affected jurisdictions.

2. The composition of an advisory committee must provide the balance necessary to address economic, environmental, and policy issues related to the specific issue or action under consideration.
3. The presiding officer of the task force shall designate one member of an advisory committee as interim presiding officer for the purpose of calling and conducting the initial meeting of the committee.
4. An advisory committee shall:
 - a. At its initial meeting, select a presiding officer from among its members for the purpose of conducting meetings;
 - b. Conduct meetings as necessary to perform the business of the advisory committee; and
 - c. Provide recommendations to the task force as requested by the task force.

Section 7. {Coordination with Other Entities}

1. The task force shall work in coordination with the United States Fish and Wildlife Service, National Marine Fisheries Service, institutions of higher education, natural resource utilization organizations, and conservation organizations in performing its functions and duties.
2. The state university system shall, within its expertise:
 - a. Assist in the analysis of biological and economic impacts of proposed actions; and
 - b. Direct programs recommended by the task force.

Section 8. {Reports}

1. The task force may provide reports as needed on:
 - a. The activities of the task force;
 - b. Innovative programs to address endangered species issues while promoting economic growth; and
 - c. Recommendations for future programs or legislation.

Section 9. {Conservation Plans}

1. To promote compliance with federal law protecting endangered, proposed and candidate species in a manner consistent with a state's economic development and fiscal stability, the presiding officer of the task force and his/her agency may:
 - a. Designate a third party, including a private conservation organization, to develop and coordinate habitat conservation plans or candidate conservation plans, provided participation in such plans is voluntary. Such plans shall be undertaken with the goal of gaining approval from the U.S. Fish and Wildlife Service or National Marine Fisheries Service under relevant provisions of the Endangered Species Act. The responsibilities of the third party shall include:
 - i. Applying for and holding a federal permit issued in connection with a habitat conservation plan or candidate conservation plan developed by the presiding officer's agency or the development of which is coordinated by the presiding officer's agency;
 - ii. Entering into an agreement for the implementation of a candidate conservation plan with the United States Department of the Interior or

- the United States Department of Commerce, or assist another entity in entering into such an agreement;
- iii. Establishing a habitat protection fund to be used to support the development or coordination of a habitat conservation plan or a candidate conservation plan, or to pay the costs of monitoring or administering the implementation of such a plan;
 - iv. Imposing or providing for the imposition of a mitigation fee in connection with a habitat conservation plan or such fees as are necessary or advisable for a candidate conservation plan;
 - v. Implementing, monitoring, or supporting the implementation of a habitat conservation plan or candidate conservation plan; and
 - vi. Complying with the landowner confidentiality provision of this Act.
- b. One such type of conservation plan is the Recovery Credit System, which is based on:
- i. A voluntary, incentive-based approach to endangered species conservation, modeled on the U.S. Department of Agriculture's Conservation Reserve Program, under which landowners conserve land and resources in exchange for cost sharing and technical assistance.
 - ii. Achieving net benefit for species conservation.
 - iii. A transparent and scientifically valid process that involves a wide range of stakeholders.
 - iv. Offsetting human-caused loss of habitat for endangered, proposed, and candidate species by providing qualifying habitat elsewhere.
 - v. Participating landowners with qualifying habitat sign contracts of between ten and thirty years, in five year increments, to provide offsetting habitat.
 - vi. Participating landowners with qualifying habitat collaborating with technical specialists to determine the management practices and conditions under which species habitat is maintained and enhanced.
 - vii. Creating credits for maintaining and enhancing habitat through a transparent system that takes account of various biological and environmental factors.
 - viii. Credits, which are held in a "bank," are offered for sale at predetermined intervals by participating landowners with qualifying habitat in a low-bidder, or reverse, auction to participating landowners that need to offset habitat loss caused by their activities.
 - ix. Aggregate data on species and habitat is made available to the U.S. Fish and Wildlife Service or National Marine Fisheries Service so they can verify the efficacy of the Recovery Credit System for a given species, but data and information about individual landowners is protected by confidentiality agreements.

Section 9. {Confidential Information}

1. To promote endangered species conservation, either by landowners voluntarily agreeing to have their property surveyed or voluntarily participating in a conservation plan, the confidentiality of species information on private property must be ensured.

- a. Information collected in the furtherance of the roles, responsibilities and duties of the task force by an agency, or an entity acting on the agency's behalf, from a private landowner or other participant or potential participant in a species survey, habitat conservation plan, proposed habitat conservation plan, candidate conservation plan, or proposed candidate conservation plan shall not be disclosed to any person, including those with a state or federal agency, if the information relates to the specific location, species identification, or quantity of any animal or plant life for which a plan is under consideration, development or implementation. The agency may disclose such information described only to the person who provided the information unless the person consents in writing to full or specified partial disclosure of information.
- b. Such information about species shall only be collected through a standardized form in which a landowner provides express written consent to have their property surveyed.

Section 10. {Administrative Support}

1. The office of the presiding office of the task force shall provide administrative support to the task force.

Section 11. {Severability Clause.}

Section 12. {Repealer Clause.}

Section 13. {Effective Date.}

Act Requiring Approval of State Plan to Implement EPA's Carbon Guidelines

EPA has proposed “guidelines” to regulate carbon dioxide emissions from existing fossil fuel-fired power plants. The EPA proposal requires states to change their electricity systems and significantly reduce the consumption of electricity by consumers. The proposal is projected to cause double-digit electricity price increases in 43 States and threaten electric reliability in many regions of the country. EPA intends to finalize its proposal in June 2015. The model legislation below is designed to ensure the State legislature protects the interests of the State’s citizens by reviewing and approving any State plan to implement final EPA guidelines before the plan is submitted to EPA.

Section 1. Findings and Purpose.

- 1) Findings.
 - a) The EPA has proposed emission guidelines for the regulation of carbon dioxide emissions from existing fossil fuel-fired electric generating units under Section 111(d) of the federal Clean Air Act.
 - b) These proposed guidelines will have a major impact on the economy of **{state}** by regulating how electricity is produced, transmitted, distributed, and consumed with **{state}**.
 - c) States are required to take the lead role in the regulation of existing fossil fuel-fired electric generating units under Section 111(d) of the federal Clean Air Act by developing plans for the establishment and implementation of performance standards for reducing carbon dioxide emissions from such units.
 - d) The role of the United States Environmental Protection Agency is limited to establishing federal emission guidelines that assist the States in the development of their plans to regulate carbon dioxide emissions from existing fossil fuel-fired electric generating units and, in so doing, EPA must defer to the States as to how to regulate such units within their jurisdictions.
- 2) Purpose. The purpose of this Act is to ensure that the **{state agency}** receives approval from the **{state}** legislature for any plan to regulate carbon dioxide emissions from existing fossil fuel-fired electric generating units under Section 111(d) of the federal Clean Air Act, prior to the **{state agency}** submitting any such plan to EPA.

Section 2. Definitions.

For purposes of this Act:

- 1) Covered Electric Generating Unit. The term “covered electric generating unit” means an existing fossil fuel-fired electric generating unit within the State that is subject to regulation under the federal emission guidelines;
- 2) EPA. The term “EPA” means the United States Environmental Protection Agency;

- 3) **{State Agency}**. The term “**{state agency}**” means the **{name of department or agency responsible for implementing the Section 111(d) program}**;
- 4) Federal Emission Guidelines. The term “federal emission guidelines” means any final rules, regulations, guidelines, or other requirements that the EPA may adopt for regulating carbon dioxide emissions from covered electric generating units under Section 111(d) of the federal Clean Air Act.
- 5) State. The term “State” means **{the name of State or Commonwealth}**; and
- 6) State Plan. The term “State plan” means any plan to establish and enforce carbon dioxide emission control measures that the **{state agency}** may adopt to implement the obligations of the State under the federal emission guidelines.

Section 3. Assessing Impacts of State Plan.

In developing any State plan for regulating carbon dioxide emissions from covered electric generating units, the **{state agency}** shall prepare a report that assesses the effects of the State plan on:

- 1) The electric power sector, including
 - a) The ability of the State to provide affordable electricity through diversified sources of electricity generation;
 - b) The type and amount of electric generating capacity within the State that is likely to retire or switch to another fuel;
 - c) Stranded investment in electric generating capacity;
 - d) Potential risks to electric reliability within the State, including resource adequacy risks and transmission constraints; and
 - e) The amount by which retail electricity prices within the State are forecast to increase.
- 2) Electricity consumers within the State, including any disproportionate impacts of electricity and other energy price increases on middle-income and lower-income households.
- 3) Employment within the State, including direct and indirect employment effects and jobs lost within affected sectors of the State’s economy;
- 4) Economic development within the State, including effects of manufacturing, commercial, and other sectors of the State’s economy;
- 5) The competitive position of the State relative to neighboring States and other economic competitors; and
- 6) State and local governments, including potential impacts resulting from changes in tax revenues.

Section 4. Submission of State Plan to EPA.

The **{state agency}** shall not submit to EPA any State plan until **{both chambers of the state legislature}** have adopted resolutions that approve the State plan in accordance with the procedures specified in Section 5.

Section 5. Procedures for Approval of State Plans.

- 1) Transmittal to State Legislature. No later than 15 days from the date of adoption of any State plan, the **{state agency}** shall transmit to **{each chamber of the state}**

- legislature}** a copy of the State plan and the accompanying report developed in accordance with Section 3.
- 2) **Vote on State Plan.** Upon receiving the State plan and accompanying report transmitted under subsection 1, **{each chamber of the state legislature}** shall vote on a resolution to approve the State plan after sufficient time has been provided to assess the State plan and accompanying report. The resolution shall be deemed approved by the **{state legislature}** if each **{chamber of the state legislature}** casts a majority of votes in favor of the resolution.
 - 3) **Submission of Revised State Plan.** If either **{chamber of the state legislature}** fails to approve a State plan under subsection 2, the **{state agency}** may submit a revised version of the State plan, with an accompanying revised report, to the **{state legislature}** for approval in accordance with the procedures specified under this section.

DRAFT

The Reliable, Affordable and Safe Power (RASP) Act

Whereas Statements

WHEREAS, a reliable and affordable electricity supply is vital to the nation's and each state's economic growth, jobs, and the overall well-being of its citizens; and

WHEREAS, under its sovereignty and the protections of the 10th Amendment, it is the sole authority of each state to regulate as necessary to ensure a reliable and affordable supply of electricity for its citizens; and

WHEREAS, environmental regulations should be based on sound science and a transparent and comprehensive program that addresses environmental issues, the nation's broader economic prosperity, and the long-term energy affordability for citizens; and

WHEREAS, the regulation of retail electricity sales and local distribution of electricity is a sovereign State function that federal agencies have a legal obligation to respect and preserve; and

WHEREAS, on June 25, 2013, the President issued a memorandum to the Administrator of the U.S. Environmental Protection Agency (EPA) directing the EPA to develop guidelines to control greenhouse gas emissions from existing fossil fuel-fired power plants under Section 111(d) of the federal Clean Air Act and to seek input from states; and

WHEREAS, on June 2, 2014, the EPA issued proposed guidelines limiting carbon dioxide(CO₂) emissions from existing fossil fuel-fired power plants under Section 111(d) of the federal Clean Air Act and published them for comment in the Federal Register on June 16, 2014; and

WHEREAS, the EPA, under the Clean Air Act (CAA), claims authority to regulate greenhouse gases by utilizing Section 111(d) to regulate carbon dioxide performance standards for Existing Generating Units (EGUs) when those plants are already regulated under Section 112's air toxics program; and

WHEREAS, the EPA has admitted this proposed rule will not measurably alter any impacts of climate change; and

WHEREAS, the EPA has admitted that its interpretation of the CAA conflicts with a literal reading of the law and acknowledged that this application of the CAA ““would have been unrecognizable to the Congress that designed’ the governing statutory framework;” and

WHEREAS, the Clean Air Act does not authorize EPA to mandate implementation of “outside of the fence” elements of a state’s Clean Power Plan with respect to retirement or operation of coal fired electricity generating units, the reliance on generation of electricity from natural gas, the reliance on renewable energy sources, or the energy efficiency or demand management of end-users, each of these exclusively within the police powers of the state; and

WHEREAS, the proposed guidelines are based on the EPA’s assessment of each state’s ability to improve the efficiency of coal-fired electric generating units, retire or operate differently coal fired electric generating units, substantially increase the generation of electricity from natural gas, significantly increase reliance on renewable energy sources, and substantially reduce the use of electricity by consumers, all in a plan and on a schedule that is not achievable and workable; and

WHEREAS, the Governor, Attorney General, Public Utility Commission, and state environmental agency of {state} have sent comments to the Environmental Protection Agency expressing concern with implementation of the rule; and

WHEREAS, the proposed rule would effectively amount to a federal takeover of the electricity system of the United States; and

WHEREAS, the proposed guidelines and plan, by the EPA’s own estimates have a major impact on the economy of each State and significant consequences for how electricity is generated, transmitted, distributed, and used within State.

Statutory Provisions

NOW THEREFORE BE IT RESOLVED, and as necessary in response to the EPA Clean Power Plan regulatory activity, the State Executive and Attorney General shall take appropriate steps to protect the State's sovereignty and police powers authorities in light of the designed federalism under the Clean Air Act; prevent federal commandeering of State police powers resources; retain authority to develop and submit to the EPA any plan for meeting the goals of reducing carbon dioxide emissions held to be legally mandated; and in so doing, the Legislature, while pursuing all opportunities to challenge this regulatory overhaul, shall protect the state’s interests in the development of the state’s plan, in consultation with the {state agency} and other important stakeholders.

Limitations

BE IT FURTHER RESOLVED, given this legal uncertainty, {state agencies} may examine the implications of preparing and implementing this rule but shall not prepare, draft, submit or implement an implementation plan under this rule or otherwise expend funds to do so until completion of judicial review as to the legality of a Clean Air Act Section 111(d) regulation for existing power plants has been fully resolved at law;

BE IT FURTHER RESOLVED, {state} shall not expend funds to implement a Clean Power State Implementation Plan until:

the State House and Senate committees having jurisdiction over the Clean Air Act, or an advisory committee appointed by these committees have:

- a. affirmatively approved the plan; and
- b. submitted a report on the impact on the affordability and reliability of the plan on commercial and residential consumers.

BE IT FURTHER RESOLVED, the {public utility commission} shall not allow electric generating units to be retired prior to their engineering lifetime if the unit is necessary to maintain the grid reliability specified by the Federal Energy Regulatory Commission (FERC) in its reliability standards.

BE IT FURTHER RESOLVED, the {public utility commission} shall require that existing electric generating units be operated in accordance with their design parameters and in such a manner as to ensure operation consonant with the initial design life of the unit at time of its {public utility commission} approval.

BE IT FURTHER RESOLVED, the State shall not adopt a Clean Power State Implementation Plan absent {public utility commission} and FERC certification that the plan will meet or exceed FERC's reliability standards.

Affordability

BE IT FURTHER RESOLVED, the {public utility commission} shall condition decisions related to electricity generation and distribution on least-cost proposals that comply with Clean Air Act regulations and the State Implementation Plan for which Air Quality Criteria have been published or for which regulations have been promulgated under Section 112 of the Clean Air Act.

BE IT FURTHER RESOLVED, the {public utility commission} shall cap non-fuel rate increases associated with greenhouse gas regulations at 1.5%.

BE IT FURTHER RESOLVED, the {public utility commission} shall not allow electric generating units to be retired prior to their engineering lifetime unless the owners have fully recouped the cost of construction and financing, the replacement generation results in lower costs to consumers and there is sufficient replacement capacity to meet dispatchable capacity of the unit to be retired.

Resolution Supporting Reasonable Reconsideration of the National Ambient Air Quality Standard for Ozone

WHEREAS, the United States Environmental Protection Agency (EPA) is currently in the process of reconsidering the National Ambient Air Quality Standard for Ozone (Ozone NAAQS);

WHEREAS, both independent studies and EPA's own analysis demonstrate that a more stringent Ozone NAAQS will impose significant cost burdens on the American economy, consumers, and businesses;

WHEREAS, in instructing the EPA Administrator to withdraw a previous proposed reconsideration of the Ozone NAAQS on September 2, 2011, President Obama acknowledged these burdens by stating: "I have continued to underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover. With that in mind, and after careful consideration, I have requested that Administrator Jackson withdraw the draft Ozone National Ambient Air Quality Standards at this time.";

WHEREAS, there are 221 counties throughout the United States that are currently classified by EPA as being in non-attainment with the existing ozone standard of 75 parts per billion established in 2008;

WHEREAS, implementation of State Implementation Plans to meet the existing ozone standard in those 221 non-attainment counties was delayed due to EPA's reconsideration of the standard begun in 2009 and halted by President Obama in 2011;

WHEREAS, a more stringent Ozone NAAQS is liable to increase significantly the number of counties in the United States deemed to be in non-attainment, thus creating additional regulatory burdens for many States before current non-attainment areas have met the existing ozone standard;

WHEREAS, according to EPA data, the aggregate U.S. emissions of the six principal or "criteria" air pollutants (carbon monoxide, lead, nitrogen oxides, volatile organic compounds, particulate matter, and sulfur dioxide) declined 62 percent from 1980 to 2013; and, according to EPA's Summary of the updated Regulatory Impact Analysis for the Reconsideration of the 2008 Ozone National Ambient Air Quality Standard, "[i]t is also clear that there will be substantial improvements in ozone air quality between now and 2020 due to existing and recently promulgated emissions reduction rules";

WHEREAS, the Clean Air Scientific Advisory Committee, in recommending any new national ambient air quality standards or revisions of existing standards, has a statutory obligation as

prescribed by the Clean Air Act (42 USC § 7409 (d)(2)C(iv)) to “advise the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such national ambient air quality standards”;

WHEREAS, the State of {state} maintains that the Federal government and its agencies should seek to implement policies that encourage American economic growth, rather than hinder it; incentivize a return of manufacturing and business to the United States, rather than send additional jobs overseas; and avoid placing additional burdens on the American people and our Nation’s economy through the creation of overly stringent regulations;

NOW, THEREFORE, BE IT RESOLVED that the State of {state} strongly urges the Administrator of the United States Environmental Protection Agency, in promulgating a national primary or secondary ambient air quality standard for ozone, to:

1. Not promulgate a national primary or secondary ambient air quality standard for ozone that is lower than the standard established under section 50.15 of title 40, Code of Federal Regulations (as in effect on January 1, 2014), until all of the counties that were nonattainment areas under that standard as of January 1, 2014, achieve full compliance with that standard;
2. Only consider all or part of a county to be a nonattainment area under the standard on the basis of direct air quality monitoring;
3. Take into consideration feasibility and cost; and
4. Include in the regulatory impact analysis for the proposed and final rule at least one analysis that does not include any calculation of benefits resulting from reducing emissions of any pollutant other than ozone.

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the President of the United States, the Administrator of the Environmental Protection Agency, the Deputy Administrator of the Environmental Protection Agency, the Assistant Administrator for the EPA Office of Air and Radiation, and all Members of the United States Congress.

Resolution Supporting a Robust 2017-2022 Outer Continental Shelf Leasing Program

WHEREAS, offshore energy development supports hundreds of thousands of American jobs, generates billions of dollars in government revenue annually, and lessens America's dependence on overseas oil; and

WHEREAS, the federal Outer Continental Shelf (OCS) produced 1.3 million barrels of oil and 3.8 billion cubic feet of natural gas a day in 2013, helping to supply U.S. energy consumers with stable sources of American energy; and

WHEREAS, the federal Bureau of Ocean Energy Management estimates conservatively that the federal U.S. offshore holds 89.93 billion barrels of oil and 404.63 trillion cubic feet of natural gas; and

WHEREAS, eighty-seven percent of federal offshore areas remain off-limits to development; and

WHEREAS, despite America's abundant domestic oil resources, the United States continues to import approximately 40 percent of its crude oil needs; and

WHEREAS, the federal Bureau of Ocean Energy Management is developing its next Five-Year Outer Continental Shelf Oil & Natural Gas Leasing Program for 2017-2022 and, as part of this evaluation, the agency will consider whether to offer leasing opportunities in areas not included in the current leasing program, including off the Atlantic Coast and in the Eastern Gulf of Mexico (which is under congressional moratorium until 2022), as well as evaluating whether to continue leasing in the Western and Central Gulf of Mexico and off Alaska; and

WHEREAS, a July 2014 poll of registered voters found that 68 percent of Americans support offshore drilling for oil and natural gas; and

WHEREAS, the governors of Virginia, North Carolina and South Carolina have written the Department of the Interior and President Obama to support seismic testing and new leasing in the Atlantic; and

WHEREAS, federal legislation, most notably the Fixing America's Inequities with Revenue (FAIR) Act, is necessary to ensure that all coastal states that develop offshore energy share equitably in the revenues generated from activities off their coasts; and

WHEREAS, energy production in the Atlantic OCS is projected to support 160,000 jobs 15 years after initial leasing and generate \$95 billion in government revenue over the course of 18 years after leasing; and

WHEREAS, broad and predictable access to offshore oil and natural gas resources will help grow more jobs and activity in the U.S. offshore industry, reduce America's reliance on overseas imports, and increase revenues to federal and state governments; and

WHEREAS, offshore operators and regulators have significantly improved their abilities to prevent and respond to an oil spill with new containment and capping systems and an enhanced regulatory regime.

NOW, THEREFORE, BE IT RESOLVED that the American Legislative Exchange Council respectfully calls on the Obama Administration to expand access to additional offshore resources in its upcoming 2017-2022 Outer Continental Shelf Oil & Natural Gas Leasing Program by including lease sales in the Western, Central and Eastern Gulf of Mexico, the Mid and South Atlantic, and off the coast of Alaska.

ALEC Environmental Management and Protection Principles

Mission: To promote a healthy environmental legacy, preserving wildlife habitat, providing natural beauty and creating opportunities for hiking, hunting, fishing and enjoying natural resources.

Across the country, America's natural beauty and environmental resources are a source of pride and wonder. Technological innovation and free market incentives have allowed us to promote economic prosperity while improving environmental health, protecting wild lands, and conserving resources.

Contrary to the current environmental policy that begins and ends with government regulation, environmental policies that harness cooperative and market-based solutions not only protect personal freedom and prosperity, but also protect environmental health, quality, and values.

ALEC believes environmental protection is most effective when it harnesses property rights and markets before resorting to costly and ineffective regulations.

Defining Property Rights to Foster Cooperative Environmental Solutions

When environmental resources are owned by everyone, they are owned by no one and can lead to a "tragedy of the commons," where resources are overused and there is no incentive to conserve.

With clear property rights economic incentives align with environmental conservation and we avoid the tragedy. Nobel Prize winners Ronald Coase and Elinor Ostrom explained how property rights foster cooperative solutions that are durable, equitable, and economically efficient. Property rights reward investments in sustainable management and provide opportunities to negotiate among those with an interest in natural resources.

Example: When command-and-control regulations failed to recover collapsing marine fish stocks, catch shares that mimic private property rights effectively ended the race-to-fish and recovered several key fisheries in United States and around the world.

Harnessing Markets for Conservation

Free markets are the most effective way to make efficient use of natural resources and reduce waste. Market prices reflect the scarcity of a resource and, more importantly, they prompt innovators to create ways to use less of the resource or find substitutes. Market innovation also reduced poverty, which is the greatest threat to wildlife habitat and pollution.

Where complexity and transaction costs make cooperative solutions challenging, simple and clear prices can also be applied to pollution, allowing users to take responsibility for impacts. Such prices are not designed to force politically chosen behavior change, but give businesses and individuals incentives and wide latitude to reduce impact on the environment and others.

Example: Water markets, permitting different water users to trade, allow water to flow to its highest valued use – agriculture, fish habitat or residential use – leading to more effective conservation than water use restrictions.

Example: Regarding the management of national parks, Milton Friedman argued that rather than charging everyone, users and nonusers alike, fees could be charged to park users for maintenance of the park and protection of the lands. This fee program has proven remarkably effective at improving visitor satisfaction and infrastructure at national parks.

Regulations as Last Resort

When other solutions are not possible, due to the impracticality of defining rights or harnessing markets, simple and straightforward regulation can be an effective last resort. Regulation should always be simple and transparent, focusing on the particular issue and should not become an opportunity to provide favoritism to particular special interests.

Example: Regulation to remove lead from gasoline was a simple and effective way to reduce the impact of lead in the air.

Resolution Urging Congress to Replace the Environmental Protection Agency

Summary

This resolution requests Congress replace the United States Environmental Protection Agency (EPA), with a committee composed of representatives of the environmental protection agencies of the 50 states over a five-year transition period. The EPA was created at a time when a number of states had no agencies devoted to protecting the environment, and those that did have such agencies were underfunded and weak. Many of the environmental problems of the day were severe and were beyond the power of any individual state agency to address. The public demanded action and Congress responded by creating EPA in 1971.

The environmental laws which followed in the immediate aftermath of the creation of the EPA were based on federalism. The EPA defined the scope of the problem and set environmental quality goals to be met while states were charged with meeting the goals with input by EPA. Unfortunately, in fewer than 10 years, environmental lobbyists realized they could use EPA to advance a liberal political agenda, shaping the economy and individual choices to their liking.

Over the past 30 years, as a recent Senate minority report indicated, EPA has become an almost wholly owned subsidiary of the liberal environmental movement. At the same time, state environmental agencies have significantly matured. Greater expertise and increased budgets have made them capable of defining and proposing solutions to the environmental problems they face in light of local concerns and localized knowledge and values. Now is the time for states to experiment and become the engines of environmental innovation as they have in economic innovation.

Model Resolution

WHEREAS, the United States Environmental Protection Agency (EPA) was formed when the major environmental problems facing the people were large in scale, national in scope, and when state environmental protection agencies, where they existed, were relatively new, small, and underfunded, and thus often ill-equipped to deal with local or state environmental problems that were decades in the making;

WHEREAS, EPA's early efforts were largely successful in alleviating the significant air, water quality, and waste disposal issues facing Americans, so that despite considerable economic improvement, today's air and water quality are better than at any time in the past century;

WHEREAS, the nation's major environmental laws were established within a federalist system, wherein, for the most part, EPA defined degrees of environmental threat where such threats existed, established reasonable standards, and set goals and timetables to minimize the impacts

air, water, and toxic pollutants had on the public and the environment; and the environmental agencies were charged with determining how those goals were to be met, monitoring regulated entities to ensure that the procedures established by each state were met, working with regulated entities to help them meet the goals, and established and enforced civil and/or criminal penalties for recalcitrant polluters;

WHEREAS, this federalist system has worked, but EPA has attained the lion's share of the credit while state agencies have done the vast majority of the work;

WHEREAS, most of the supposed remaining health threats are extrapolated from flawed epidemiological studies and ignore animal and human laboratory studies which show that current air quality and air quality standards are protective of human health and the environment, that the negligible concentrations of potentially toxic compounds to which the public may be exposed do not constitute a health threat, communities throughout the nation have access to drinking water that is among the cleanest and safest in the world, and water quality in general continues to improve;

WHEREAS, numerous studies demonstrate that beginning in the early 1980s, EPA began to be influenced by or became collaborative with radical elements in environmental activist groups, who over time have infiltrated EPA to the extent that it is now an almost wholly owned subsidiary of the radical environmental movement;

WHEREAS, public choice and new resource economics show that EPA regulators' jobs and power depend on a continued public perception that air and water pollution and toxic releases remain serious and urgent problems;

WHEREAS, regulators, in conjunction with environmental activists, also set the level of health standards, allowing them to decide when the work is finished. And the combination of the quest for control and the bureaucratic incentives built into environmental quality regulations dictate that the EPA pursue tiny or nonexistent health benefits at great cost;

WHEREAS, recent and recently proposed regulations and rules including but not limited to: new Ozone standards, the Cross-State Air Pollution Rule, the proposed carbon dioxide standards for new and existing power plants, new and unreasonably stringent short-term ambient air quality standards for nitrogen oxides and sulfur dioxide, new rules targeting coal-fired boilers such as Boiler MACT, new rules targeting stationary internal combustion engines, and the new WOTUS rule all come with huge costs, but there is no evidence that they will provide any measurable benefit to human health, quality of life, or the environment;

WHEREAS, the rules themselves threaten electric power reliability and will increase the cost of energy and the vast majority of food and consumer goods, thereby harming the poor and those on fixed incomes. Ultimately, these rules pose a direct threat to property rights and are a greater threat to human health than the harms they are purported to prevent;

WHEREAS, environmental quality is a demand of all Americans, but environmental problems, where they remain, vary in type and severity, and the best, least costly solutions are likely to be

found more quickly with experimentation, innovation, and competition between state agencies working with industry counterparts than in a highly-bureaucratic, centralized, environmental agency in Washington, D.C., far removed from the day-to-day problems and issues confronting disparate state and regional populations;

WHEREAS, state environmental agencies have long borne the majority of the responsibility for shaping, establishing, carrying out, and enforcing the nation's environmental laws and have proven themselves as leaders in establishing high-environmental quality standards.

NOW THEREFORE BE IT RESOLVED THAT, the American Legislative Exchange Council (ALEC) requests Congress replace the United States Environmental Protection Agency, with a Committee made up of representatives of the environmental protection agencies of the 50 states over a five-year transition period.

BE IT FURTHER RESOLVED, the committee of the 50 states would consist of six delegate-employees from each of the 50 states, with a final committee of 300 replacing the 15,000 employees currently employed by EPA. EPA would be phased out over five years, with a one-year preparation period followed by a four-year program in which 25 percent of the agency's activities would be passed to the Committee of the Whole each year. Simultaneously, the federal budget for environmental protection would be reduced from \$8.2 billion to \$2 billion, and the new committee's headquarters would be centrally located in the Mid-West to allow the closest contact with the highest number of individual states and to reduce travel costs from the states to the central headquarters of the Committee of the Whole.

BE IT FURTHER RESOLVED, the Committee of the Whole would determine which regulations are actually mandated in law by Congress and which were established by EPA without congressional approval. Rules written clearly into legislation would be recommended for continuance or would be included in a request to Congress to have them eliminated because the Committee of the Whole deems them unnecessary in their current form. Regulations not supported by writings within legislation would be considered by the applicable subcommittees and the whole committee for alteration or repeal by a two-thirds vote of the Committee of the Whole.

BE IT FURTHER RESOLVED, the Committee of the Whole shall be enjoined to produce a State of America's Environment report, at minimum, every five years for submission to Congress. This report shall: detail improvement and/or deterioration in the environment utilizing scientifically-sound metrics, compare the current state of the environment across all media with the state of environment over the previous 50 years or more, examine the economic costs of regulatory programs in place, and recommend changes, if any, to the existing regulatory structure.

Resolution in Support of Lifting Federal Restrictions on Crude Oil Exports

WHEREAS, in response to the 1973 oil crisis, Congress passed the Energy Policy and Conservation Act of 1973 and the Export Administration Act of 1979, significantly restricting U.S. crude oil exports except for a few arbitrary exceptions; and

WHEREAS, with the advancement of drilling technologies the U.S. in 2013 produced over 2.7 billion barrels of crude oil, the most produced domestically since 1989; and

WHEREAS, most new wells in the U.S. currently produce sweet crude oil containing lower concentrations of sulfur as opposed to the heavier varieties that many domestic refineries are designed to handle; and

WHEREAS, millions of barrels of refined products, including gasoline, are currently exported on a daily basis, free of any restriction on trade.

WHEREAS, crude oil is an internationally traded commodity and is therefore susceptible to price fluctuations based upon fear and speculation in addition to normal supply and demand economics; and

WHEREAS, current trade restrictions distort the U.S. economy by artificially depressing prices, disrupting the operation of free market economies, thereby dampening additional production of U.S. crude oil; and

WHEREAS, allowing oil producers to access markets would encourage further investments in oil and gas production in the U.S., leading to increased economic growth, wages, and employment for every state in the nation.

NOW, THEREFORE BE IT RESOLVED that the Legislature of the state of {state} urges:

1. The U.S Department of Commerce to expand its definition of allowable crude oil exports;
2. The President of the U.S. to acknowledge that crude oil exports are in the national interest of the country and to exempt all oil producers from the current crude export ban, pursuant to his authority under the Energy Policy and Conservation Act; and
3. Congress to recognize the benefits of free trade and to pass legislation removing the current ban on crude oil exports.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the U.S., the U.S. Secretary of Commerce, the U.S. Secretary of Energy, the Majority Leader of the U.S. Senate, the Speaker of the U.S. House of Representatives, and the members of the congressional delegation of {state}.

Model Policy Review

As per ALEC's Task Force Operating Procedures, the Energy, Environment and Agriculture Task Force must review existing model bills and resolutions upon the fifth anniversary of their adoption. This exercise is to ensure that all policies maintained in ALEC's library are relevant and up to date.

The Task Force may take one of three different actions during this review: (1) retain the policy as adopted; (2) amend the policy; or (3) sunset the policy so that it is no longer considered to be ALEC policy.

During the 2014 States & Nation Policy Summit, the Task Force will be considering two resolutions and one bill that were approved by the Task Force and adopted by the ALEC Board of Directors in 2009.

1. Resolution to Repeal Section 526

This resolution calls for the repeal of Section 526 of the Energy Independence and Security Act of 2007, which attempts to prohibit government entities from purchasing fuels that are derived from alternate or synthetic fuels.

Recommendation: Amend and retain.

2. Resolution to Retain State Authority over Hydraulic Fracturing

This resolution anticipates the EPA's planned regulation of hydraulic fracturing. It explains that reservoirs producing oil and natural gas are highly variable geologically and separated geographically across the oil- and gas-producing states such that state regulatory agencies are best suited through local expertise and experience to effectively regulate hydraulic fracturing.

Recommendation: Retain.

3. State Science Advisory Board Act

This act creates a state science advisory board with the purpose of rendering scientific assessment, risk-based analysis, and consensus advice upon questions of science posed by the governor or a legislative committee having jurisdiction over science matters.

Recommendation: Retain

Resolution to Repeal Section 526

WHEREAS, Section 526 attempts to prohibit agencies of the government of the United States from purchasing transportation fuels that are derived from alternative or synthetic fuels, including fuels produced from nonconventional petroleum sources; and

WHEREAS, the U.S. military and federal government agencies would face an immense challenge in addressing Section 526, due to the total impracticality and lack of means for determining the original sources of the fuels they purchase; and

WHEREAS, such a prohibition would decrease supply of fuels from domestic and North American sources; and

WHEREAS, energy demand is increasing and America's energy security depends on access to reliable, safe and trusted supply sources; and

WHEREAS, fuels derived from coal-to-liquids, oil shale and oil sands are all potentially abundant in the United States and Canada; and

WHEREAS, the U.S. military, ~~now engaged in two wars,~~ is the largest single purchaser of transportation fuels in the country; and

WHEREAS, American jobs and economic growth are tied directly to past, current and future investment in the development of new sources of domestic and North American energy, including oil sands and coal-to-liquid technologies; and

WHEREAS, Section 526 contradicts and conflicts with Section 369 of the Energy Policy Act of 2005, a more comprehensive law which directs the U.S. Department of Defense to support an energy development program with Canada; and

WHEREAS, Canada is by far the largest foreign supplier of energy to the United States; and

WHEREAS, the North American Free Trade Act prohibits discrimination against the products of Canada by the United States.

THEREFORE, BE IT RESOLVED, by the American Legislative Exchange Council, that Section 526 of the "Energy Independence and Security Act of 2007" should be repealed.

Resolution to Retain State Authority over Hydraulic Fracturing

WHEREAS, hydraulic fracturing is a proven technology with a long history of environmentally safe use in the completion of oil and gas wells; and

WHEREAS, the oil and gas producing States regulate hydraulic fracturing as a component of their regulatory problems for the drilling, completion, operation, and plugging of oil and gas wells; and

WHEREAS, The reservoirs that produce oil and gas are highly variable geologically and separated geographically across the oil and gas producing States such that State regulatory agencies are best suited by local expertise and experience to effectively regulate hydraulic fracturing; and

WHEREAS, State regulatory agencies are the most appropriate regulatory bodies to provide oversight and protection of hydrologically and environmentally sensitive localities as they relate to hydraulic fracturing; and

WHEREAS, The regulation of hydraulic fracturing under the Federal Safe Drinking Water Act would add burdensome and unnecessary regulatory requirements to the drilling and completion of oil and gas wells, thereby increasing costs of producing domestic natural gas resources without any ancillary benefit to public health, safety or the environment; and

WHEREAS, The increased cost of producing domestic natural gas resources will reduce domestic supplies of natural gas, increase utility prices, and other costs to consumers, reduce tax and royalty revenues for local, State, and federal governments; and increase the nation's dependence on foreign energy imports; and

WHEREAS, The Interstate Oil and Gas Compact Commission (IOGCC) conducted a survey of oil and gas producing States, which found that there were no known cases of ground water contamination associated with hydraulic fracturing, and set forth its opposition to federal regulation of hydraulic fracturing under the underground injection control program in Resolution 09.011, dated January 7, 2009, "Urging Congress Not to Remove Exemption of Hydraulic Fracturing from Provisions of the Safe Drinking Water Act;"; and

WHEREAS, the states' public utility commissioners represented by The National Association of Regulatory Utility Commissioners adopted a similar resolution in July 2009.

NOW, THEREFORE BE IT RESOLVED, That the American Legislative Exchange Council supports continued jurisdiction of the States to conserve and properly regulate oil and gas production in their unique geological and geographical circumstances.

State Science Advisory Board Act

Preamble

Increasingly state legislators are confronted with scientific reports—particularly in the human health and environmental policy areas—which purport to offer evidence in support of, or in opposition to, pending legislation. For many legislators, it is relatively easy to impact the legislative process with such reports, and it is difficult to analyze scientific evidence critically. Legislators need the tools to interpret scientific reports effectively and responsibly.

Section 1. Purpose.

The purpose of the Board is to render scientific assessment, risk-based analysis, and consensus advice upon questions of science posed by the Governor or a Legislative Committee having jurisdiction over science matters.

Section 2. Creation of the (State Name) Science Advisory Board.

There is hereby established the (State Name) Science Advisory Board consisting of sixteen (16) members qualified and appointed as hereinafter provided who shall constitute an independent non-partisan board under the office of (insert name of nonpartisan central legislative staff office or other appropriate nonpartisan agency).

Section 3. Manner of Appointment; Term; Removal.

- A. Appointment: The Governor shall appoint eight (8) members, one (1) of whom shall be designated the Chairperson, and the Presiding Officer and Leader of the principal minority party of each chamber of the legislature shall each appoint two (2) members of the Board who meet the qualifications set forth in Section 4 from a list of names of scientists submitted for consideration by nationally recognized professional associations serving the science disciplines listed in Section 4.
- B. The term for Board members shall be four (4) years, except that the initial Board appointments shall be staggered with the Governor appointing four (4) members for one (1) year and four (4) members for two (2) years; the Presiding Officers and Minority Leaders shall each appoint one (1) member for a term of three (3) years and one (1) member for a term of four (4) years respectively. Upon the initial term expirations, members may be reappointed or the respective appointing authorities shall appoint their replacements for terms of four (4) years.
- C. The respective appointing authorities may remove a Board member in the event of professional ethics violations, conflict of interest, criminality, or upon any member becoming an employee of the state with the exception of university employees.

Section 4. Qualifications of Board Members.

The Board must be composed of individuals, who are not state employees with the exception of university employees or affiliated with an organization that represents a conflict of interest (e.g., lobbying organization), with reputations for professional competence and technical expertise with doctorates in one of the following disciplines:

1. Environmental Health
2. Toxicology
3. Engineering
4. Ecological Science
5. Economics
6. Chemistry
7. Physics
8. Biology
9. Forestry
10. Human Medicine
11. Statistics
12. Risk Assessment
13. Geology
14. Agricultural Science
15. Marine Science
16. Hydrology
17. Veterinary Science

Section 5: Duties of the Board.

The duties of the Board consist of the following:

- A. Review and summarize pertinent scientific studies related to the charge topic or question(s) with an emphasis on studies and data that are most relevant to the subject of concern (i.e., human data for human studies, ecological data for ecological receptors, etc.).
- B. Summarize findings and recommendations in a manner that is timely, objective, transparent, and understandable by elected officials and policymakers.
- C. Board interpretation, findings, and recommendations should represent the prevailing weight of scientific evidence for a given charge topic or question(s).
- D. Risk assessment, comparative risk analysis, and economic analyses should be included in Board discussions and recommendations when possible.
- E. When appropriate, science should be identified and delineated from policy as separate components that impact risk management and legislative decision-making.
- F. Board should have the ability to recruit and include expertise from other qualified experts as needed.
- G. Consensus should be achieved if possible; if not achievable, minority reports are possible.

- H. Draft findings should be subject to an open public comment period and process before being finalized.
- I. Board members should recuse themselves from participation on specific topics when such topics represent a conflict of interest.

Section 6. Staff.

The Director of Legislative Staff shall act as the Executive Director of the Board and shall assign such clerical and staff support from the legislative staff as required.

Section 7. Compensation and Expenses.

The members of the Board shall receive per diem pay and expenses equal to that paid to legislators when not in session.

ALEC States & Nation Policy Summit Reimbursement Policy

There are two reimbursement policies for the ALEC States & Nation Policy Summit. Both policies are outlined below. Please contact your state chair to request reimbursement and the appropriate reimbursement form. All reimbursement requests must be approved by your state chair.

1. States & Nation Policy Summit Reimbursement Form: ALEC reimburses \$2,000.00 per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for state for new ALEC legislators. ALEC recipients are selected 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 Senior Director of Membership and Development.
2. State Reimbursement Form: Any other fees or payments must be made out of the state account with ALEC's approval. Receipts must be submitted to the State Chair who submits the signed form to the Senior Director of Membership and Development.

Mission Statement

To advance free markets, limited government, and federalism.