"We as state legislators believe that the unique American Federal system requires close cooperation and consultation among Members of Legislatures in the several States and Members of Congress. That belief springs from a philosophical premise that nothing should be undertaken by a higher echelon of government which can be accomplished by a lower echelon, and that individual freedom demands strict limitations on the power of all levels of government.

"We further believe that state governments are vital to the continued success of our Federal Union and that the genius of our Constitution is summed up in the primacy clause which delegates residual powers to the States and to the People in those spheres not specifically delegated to the national government.

"We therefore establish the American Legislative Exchange Council ..."

ALEC Founding Charter, 1973
Ideas have power.

A quarter of a century ago, a small group of state legislators had an idea: establish a bipartisan membership association for conservative state legislators who shared a common belief in limited government, free markets, federalism and individual liberty. An association for people who believed that government closest to the people was fundamentally more effective, more just, and a better guarantor of freedom than the growing federal bureaucracy in Washington.

August 18-22, in its founding city of Chicago, the current members of ALEC will convene for its 25th Anniversary Annual Meeting. For five days, elected officials, policy experts, and private sector leaders will meet to discuss the issues challenging the states and the nation.

Yet it will be more than just a convention. More than what has been called “the largest gathering of conservatives held each year.” More than the 25th anniversary of a successful membership association.

It will be a celebration of the power of ideas.

ALEC’s 25th Anniversary Annual Meeting is living proof that when men and women who share a belief in the fundamental principles of American democracy work together, the walls that can divide us can be razed. The walls between the federal, state and local governments. The walls that separate the public and private sectors. The walls that can divide the common interests of fifty states, two parties, or the people of one nation.

Please join us as we celebrate the vision of the America of our Founding Fathers:
A Country of
Fifty States ... One Nation.
The theme of this year's 25th Anniversary Annual Meeting is 50 States ... One Nation, which captures the spirit of the American Legislative Exchange Council's mission to restore the principle of federalism to American government.

While much has changed on the American political landscape in the last quarter century, through it all ALEC has held firm to the fundamental Jeffersonian principles of free markets, limited government, federalism and individual liberty on which it was founded.

What Happens at the ALEC Annual Meeting

The Annual Meeting has grown to become one of the nation's most prestigious state level conferences and has been described as the "largest gathering of conservatives held each year." This year's 25th Anniversary Annual Meeting in its founding city of Chicago promises to be the biggest and best in ALEC's history!

More than 2,500 state legislators, business leaders, association executives and public policy experts will gather to discuss the issues challenging the states. Through more than 40 workshops, issue seminars and task force meetings, attendees will be briefed on the issues and legislation on the cutting edge of the public policy debate.

ALEC has planned numerous social events to celebrate this historic occasion, providing memories and friendships that will last a lifetime!

CHICAGO is not only the birthplace of the skyscraper (and ALEC) and the capital of America's heartland, but it's also home to some of the world's finest and most innovative art and architecture. You'll find Chicago an outdoor museum of world-famous architecture — and you can stroll through history just by walking through the Loop.

LIKE most world-class cities, Chicago is best seen on foot. With very little effort, you can cut a swath across its vibrant cultural landscape. And Chicago is a shopper's paradise! Whether you haunt the State Street, North Michigan Avenue, Oak Street or River North retail districts, or wander farther afield into the neighborhoods, you'll leave town with valuable "excess baggage."

DINING at its many fine restaurants ranks among the city's favorite forms of recreation — and Chicagoans take quality food and service seriously. It's a sophisticated melting pot of the world's cuisines, and you'll find the multitude of possibilities will satisfy every appetite.

MORE than jazz came up the Mississippi and settled in Chicago, as you can tell from a quick look at the nighttime offerings. From the world-famous Chicago Symphony Orchestra to blues and bluegrass — from improvisational theater to heavy metal rock concerts, you'll find a wealth of after-hours entertainment just minutes away.

CHICAGO — ALEC's original home and the perfect site for ALEC's 25th Anniversary Annual Meeting!

ALEC Host Hotels — Chicago Hilton and Towers

Overlooking the magnificent Lake Michigan and Grant Park is the Chicago Hilton and Towers, the hotel that is in the midst of all that Chicago has to offer and host hotel for ALEC's 1998 Annual Meeting. Ideally located, the Hilton is just minutes away from McCormick Place, the Magnificent Mile shopping district and Water Tower Place.

Elegance from the past is preserved in this historic hotel that first opened in 1927. With more than 1,500 rooms, a Fun & Fitness center, a complete business center, atrium lounge, and four exciting new restaurants, the Chicago Hilton and Towers is one of the most vibrant places to stay in the world.

Palmer House Hilton Hotel

Known as "the Chicago hotel the world knows best," at 124 years old the Palmer House Hilton is famous for having the "longest period of continuous operation of any hotel in North America." Visited by luminaries such as President Ulysses S. Grant, Mark Twain and the royalty of Europe, the Palmer House has been recently renovated with all the modern conveniences and amenities a seasoned traveller seeks, while retaining the flamboyant elegance of its late 19th century origins.
Today, we know that many of the challenges facing our sovereign nation will be met in the states.

The critical questions of our day will be decided by state legislators: How our children are educated, how we're protected from crime, how we safeguard our environment while building a strong and growing economy, how we end the scourge of drugs, how we care for those who are in need. So you have great responsibilities: great, but not too great. Throughout my administration, I knew I could count on ALEC's state legislators as we worked together, as soldiers in a common cause, to unleash the private sector, rebuild our economy, strengthen our defenses, and reaffirm our values. Now, with a new federalism firmly established and government re-focused on the states, you must carry on our work. The achievements of ALEC and the talents of your members convinces me that you are up to the challenge.

PRESIDENT RONALD REAGAN, 1990

We have the new opportunity for the decade of the nineties to be our decade, and the twenty-first century to be the Jeffersonian century that he dreamed of: In self-enlightenment, in educational reform, in opportunities for every man, woman and child in this country. And that, to me, is what ALEC stands for, and that is why this organization is growing so strong and can continue to be the dominant force for change in this country of ours.

I think we are at a very interesting time as we end this second millennium.

It is time to go back to Jefferson. It is time to remind ourselves of something that couldn't be clearer if we look at his writings. And that is that this country, this America, this republic is not an experiment in federal tutelage. It is not
ALEC is bringing to America a chance to recapture the soul of America.
To allow every single American man or woman, irrespective of their ethnic background — irrespective of their color — a chance to be part of the greatest democracy — the greatest freedom — the greatest system on the face of the earth.
Honorable Jack Kemp, 1992

Poll after poll indicate that the people of this country want Washington's power scaled-back.
And they want more control returned to state and local governments. This is an historic struggle. The struggle that Jefferson and Madison spoke about: to maintain balance, limited government, and liberty.
Utah Governor Michael Leavitt, 1997

We will succeed in the battle to reinvent government, cut taxes and reform education.
Across the nation, because of the leadership of the men and the women in this room, we are winning the battle of ideas. We are taking our country back. ALEC has been in the front, leading the way for 20 years.
Michigan Governor John Engler, 1993

I believe that each of you represents one more missionary for the kind of America we can be.
And I believe with your help across these fifty states and with the continued great work ALEC is doing, I believe that we, in fact, in 1996 and 1997, will truly have launched a revolution of freedom everywhere.
Speaker Newt Gingrich, 1995

I think that all of America is yearning for an American renaissance.
And you, the leaders, the leaders of the American Legislative Exchange Council, are the leaders of that renaissance — in your home districts, in your home states. That is why this conference is so important, as you are charting America's future. You are charting it from the grassroots, where the decency and the common sense is reflected, not in the cold corridors of Washington, D.C., but in your home counties, your home towns, and in your state legislatures.
Virginia Governor George Allen, 1996
ALEC 25th Annual Meeting Agenda

Agenda as of July 30, 1998
All locations are in the Hilton Hotel and Towers unless noted

Tuesday, August 18, 1998

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
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<tbody>
<tr>
<td>Board of Directors Meeting</td>
<td>9:00am - 5:00pm</td>
</tr>
<tr>
<td>Registration Opens</td>
<td>Noon - 6:00pm</td>
</tr>
<tr>
<td>State Chair Meeting</td>
<td>10:00am - 3:00pm</td>
</tr>
<tr>
<td>Task Force Chair Meeting</td>
<td>10:00am - 3:00pm</td>
</tr>
<tr>
<td>Leadership Dinner (Invitation Only)</td>
<td>6:30pm - 10:30pm</td>
</tr>
</tbody>
</table>

 empirical Room - Palmer House Hilton Hotel

"Scrap the Code Tour" ................................ 5:00pm - 6:00pm

US. House Minority Leader Dick Armey (R - Texas) and Congressman Billy Tauzin (R - La)

Hear a debate on scrapping the current U.S. tax code in favor of either a flat tax or a national sales tax

Wednesday, August 19, 1998

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
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<tbody>
<tr>
<td>Registration</td>
<td>8:00am - 6:30pm</td>
</tr>
<tr>
<td>ALEC Exhibits '98</td>
<td>8:00am - 4:00pm</td>
</tr>
<tr>
<td>Youth Program</td>
<td>Noon - Midnight</td>
</tr>
<tr>
<td>Pre-School Program</td>
<td>Noon - 11:00am</td>
</tr>
</tbody>
</table>

Opening Luncheon

Speaker Bobby Hogue will open ALEC's 25th Anniversary Annual Meeting with one of its most distinguished alumni and America's best known small business entrepreneur.

Speaker Bobby Hogue
ALEC '98 National Chairman

Illinois Governor Jim Edgar
ALEC 25th Annual Meeting Host Committee Honorary Chairman

Dave Thomas
Founder and Senior Chairman of Wendy's Corporation

Complete Workshop Descriptions are on pages 20-22

Concurrent Workshops A .......................... 2:00pm - 3:45pm


* A2. Disorder in the Court-Medicaid Liability

* A3. Retirement Security I: Pension Reform

Concurrent Workshops B .......................... 4:00pm - 5:45pm


* B2. The Year 2000 Problem: State and Local Challenges

* B3. Retirement Security II: Long-Term Care and Medicare Privatization

Concurrent Workshops C .......................... 9:30am - 10:45am

* C1. HIV/AIDS Education

* C2. Animal Waste and Water Quality

* C3. Open Skies: Airline Deregulation After 20 Years

Concurrent Workshops D .......................... 11:00am - 12:30am

* D1. Emerging Internet Issues: Bandwidth, Encryption & Privacy

* D2. Constitutional Protections for Taxpayers: A Blueprint for Fiscal Restraint

* D3. Governing by Decree: Federalism Under Fire

25th Anniversary Opening Reception

6:30pm - 9:30pm

Held in the elegant and historic Grand Ballroom of the Hilton Hotel and Towers, ALEC's 25th Anniversary Annual Meeting Opening Reception will combine the superb cuisine of multi-cultural Chicago with exciting entertainment.

ALEC Task Force Reception ..................... 9:30am - 11:00am

Thursday, August 20, 1998

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
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<tbody>
<tr>
<td>Registration</td>
<td>7:00am - 5:00pm</td>
</tr>
<tr>
<td>Youth Program</td>
<td>7:30am - Midnight</td>
</tr>
<tr>
<td>Pre-School Program</td>
<td>9:00am - 11:00am</td>
</tr>
</tbody>
</table>

Breakfast

7:30am - 9:15am

A real Chicago welcome is on hand with one of the nation's leading city chief executives and a leader of the business community.

Chicago Mayor Richard Daley
ALEC 25th Annual Meeting Host Committee Honorary Chairman

Robert Barnett
Executive Vice President, Motorola Inc.

ALEC Exhibits '98 ............................... 9:00am - 4:00pm

Concurrent Workshops C .......................... 9:30am - 10:45am

* C1. HIV/AIDS Education

* C2. Animal Waste and Water Quality

* C3. Open Skies: Airline Deregulation After 20 Years

Concurrent Workshops D .......................... 11:00am - 12:30am

* D1. Emerging Internet Issues: Bandwidth, Encryption & Privacy

* D2. Constitutional Protections for Taxpayers: A Blueprint for Fiscal Restraint

* D3. Governing by Decree: Federalism Under Fire
Lunch
12:45** - 2:15**
The issues facing the states and the nation will be addressed by two speakers who are national leaders in both the public and private sectors.

Speaker Newt Gingrich*
1995 Thomas Jefferson Freedom Award

Ronald Yocum
President & CEO, American Plastics Council

Task Force Meetings ................................ 2:30** - 5:30**
Task Force Agendas on pg. 2627
Health and Human Services
Tax & Fiscal Policy
Civil Justice
Education
Commerce and Economic Development

ALEC Radiothon '98 Reception ............... 5:00** - 6:30**

Evening Free for State Delegation Night

Friday, August 21, 1998

Registration ........................................... 7:00** - 3:00**
Youth Program ....................................... 7:30** - 6:00**
Pre-School Program ................................. 9:00** - 6:00**

Breakfast
7:30** - 9:15**
Begin the day with insights from one of America's most dynamic and innovative governors, and a representative from one of the most important industries in the nation.

Wisconsin Governor
Tommy Thompson
1991 Thomas Jefferson Freedom Award

Jim Monk
President, Illinois Energy Association

ALEC Exhibits '98 .................................... 8:00** - 12:30**
Concurrent Workshops E ........................ 9:30** - 10:45**
E1. Improving Public Education: How to Legislate Catalytic Change
E2. A 100 Year Perspective - Trends in the Health of the Nation and the Status of the Environment
E3. The Yellow Pages Test: Competitive Contracting in State & Local Government

Concurrent Workshops F ....................... 11:00** - 12:30**
F1. Restraint of Trade: Unilateral Trade Sanctions
F2. Myths & Realities: Global Warming, Climate Change and the Kyoto Protocol
F3. Financial Services Modernization for the 21st Century

Founders Lunch
12:45** - 2:15**
ALEC's founding is commemorated with the presentation of the Pioneer Award to one of ALEC's founding members.

Congressman Henry Hyde
1998 Pioneer Award

Task Force Meetings ............................. 2:30** - 5:30**
Task Force Agendas on pg. 2627
Criminal Justice
Energy, Environment, Natural Resources and Agriculture
Telecommunications and Information Technology
Trade and Transportation

Family Night Extravaganza
5:30** - 8:30**
Chicago's Navy Pier, with its exquisite rotunda, beautiful vistas of the lake and enchanting shops and amusement rides is the perfect site for a night with the family and colleagues!

Saturday, August 22, 1998

Youth Program ....................................... 7:30** - 1:00**
Pre-School Program ................................. 9:00** - 11:00**
Golf Tournament ................................. Shotgun Starts at 8:30**
Indian Lakes Resort, Bloomingdale, Ill.
Tennis Round Robin Tournament ............ 1:00** - 5:00**
Mid-Town Tennis Club
Shooting Sports Event ......................... 9:00** - 2:00**
Aurora Sportsman's Club

Thomas Jefferson Freedom Award Banquet
6:30** - 9:30**
ALEC's 9th Thomas Jefferson Freedom Award Banquet will be its most elegant and dramatic in history! (See page 23)

Sunday, August 23, 1998

Prayer Breakfast ......................... 8:00** - 9:30**
*Invited, not yet confirmed
25th Annual Meeting Workshops
As of July 30, 1998

Wednesday, August 19, 1998

Concurrent Workshops A .................... 2:00pm - 3:45pm


What is a municipality’s proper role in managing the public rights-of-way, and what does it mean to your state’s economy, your constituent’s phone bill, and the advance of the Telecommunications Act of 1996? Controversy surrounding implementation and interpretation of the Telecommunications Act of 1996 is not news. One area receiving little media attention is the use by municipalities of a section of the Act intended to preserve local control of rights-of-way, to charge “rent” instead of only covering the costs associated with management of the right-of-way. The result is increased costs to consumers, a barrier to new entrants, and an adverse effect on economic development.

Speakers: N.D. Sen. David Nothing*, Chair, Ad Hoc Committee on Regulatory Reform and Taxation, ALEC Telecommunications and Information Task Force; Ron Binz, President, Competitive Telecommunications Association; Dorian Denberg, BellSouth; Richard Strom, MCI

A2. Disorder in the Court—Medicaid Liability

Joe Camel may be gone, but tobacco remains. Not since prohibition has one industry been the subject of such scrutiny from lawmakers, public health officials and attorneys general. Somewhere in the all the rhetoric, the facts got lost. Many of the claims made against the tobacco industry are without merit, but these claims are likely to be the opening salvos in a war against other industries — a war waged and funded by a liberal life-style police. In Huntington Beach California, you can't smoke in your car or your backyard. A Yale professor has proposed a tax on fatty foods, and Philadelphia Mayor Ed Rendell wants to sue gun makers for his city's violence problem. Many expect the alcohol beverage industry will be sued next. What will be the next industry to be shaken down by the life-style police?

Speakers: Doug Bandow, Senior Fellow, Cato Institute; Victor Schwartz, Esq., Crowel & Moring, Private Sector Chair of the Civil Justice Task Force; Jacob Sullum, Senior Fellow, The Reason Foundation

*Invited, not yet confirmed

A3. Retirement Security I: Pension Reform

Lawmakers are seeking new ideas designed to encourage workers to save on their own for retirement, not depend only on the government. Public employers are moving toward this trend with defined contribution retirement plans, which are 401(k) type plans where employees are free to invest their funds themselves.

Speakers: Congressman John Porter*, (R-I1); David Liebrock, President, Fidelity Investments; Chuck Robinson, Vice President of National Markets, VALIC; Luke Collins, KPMG Peat Marwick; and Edwin Burton, Professor, University of Virginia

Concurrent Workshops B .................... 4:00pm - 5:45pm


The electric industry restructuring revolution is well underway in 1998. Upwards of 15 states have adopted restructuring legislation, and several others have moved with agency action. Now a track record exists that illustrates the many benefits of increased competition in the generation of electric power. This session will provide an overview of the benefits of competition, address federal activity, the status of restructuring in California, and provide the vantage point of a utility that is thriving in the era of competition.

Speakers: Congressman Tom Delay* (R-Tex.); Congressman Bill Paxton* (R-NY); Congressman Steve Largest* (R-Ok.); Dr. Robert Michaels, Cal State Fullerton; Dr. Wayne Brough, Citizens for a Sound Economy; Scott Cisler, Central Illinois Light Company

B2. The Year 2000 Problem: State and Local Challenges

The Year 2000(Y2K) problem is the most difficult information technology challenge ever. It threatens the data integrity of virtually every computer system in existence. Some predict this once seemingly innocuous problem will radically change our way of life. Litigation associated with Y2K could exceed all the costs spent trying to fix it. This workshop will explore issues of critical importance to state and local governments as we approach January 1, 2000.

Speakers: Victor Porlier, Center for Civic Renewal; U.S. Senator Robert Bennett* (R-Utah); Congressman Steve Horn* (R-Calif.); Rick Cowles, Digital Equip.


By 2030 there will be an estimated 65 million people over the age of 65, a figure that will more than double from the 30 million in 1990. The financial impact of the baby-boomer generation retiring will be devastating to federal and state government revenues. Both Medicare and Medicaid programs are projected to be insolvent in the very near future.

This workshop will consist of a discussion of the failing
Medicare system, and recent reform efforts including managed care/Medicare and Medicare/Medical Savings Account options; the Medicare Commission; and more innovative free-market ideas to privatize Medicare. Also covered will be the issues of long-term care, Medicaid spend-down, and the need for long-term care insurance.

Speakers: Indiana State Rep. Dave Frizzell; Mark Litow, Consulting Actuary, Milliman & Robertson, Inc.; Barbara Stucki, PhD, Senior Research Analyst, American Council of Life Insurance; Richard Merrill, Senior Vice President, Golden Rule Insurance Co.; Leila Wright, Senior Vice President of Government Products and Services, BlueCross/BlueShield of Texas

Thursday, August 20, 1998

Concurrent Workshops C ...................... 9:30am - 10:45am

C1. HIV/AIDS Education

This workshop will focus on recent advances in HIV/AIDS research and technology. Dr. Michael Saag, University of Alabama at Birmingham is a nationally renowned specialist in the treatment of infectious diseases and will provide an overview of how the disease originated and spread. He will discuss who HIV/AIDS is affecting today, how it is impacting our society, current treatment, the cost of not treating HIV, and various approaches to prevention.

Speakers: Miss. State Rep, Jim Barnett; Dr. Michael Saag, University of Alabama at Birmingham

C2. Agriculture and Water Quality

While states have the responsibility to protect groundwater and surface water, new regulations should not be imposed unless a proven danger exists to public health. High profile cases such as the Pfiesteria outbreak in the Chesapeake Bay, Hypoxia in the Gulf of Mexico, the debate over livestock production and other concerns regarding agricultural runoff have lead to federal government involvement. Many states have also acted with regulations on reducing agricultural runoff from buffer strips incentives to banning new confined animal feed operations.

Although many of these responses have been based on emotion rather than fact, it is important to learn how the agricultural community, with guidance from both the federal and state governments, has been able to pro-actively embrace voluntary partnership approaches to reduce agricultural runoff.

Speakers: U.S. Senator Wayne Allard* (R-Colo.); Dave Juday, Hudson Institute; Andy Baumert, National Pork Producers Council; Kathleen Lawrence, WLR Foods

C3. Open Skies: Airline Deregulation

After 20 Years

The airline industry has seen many changes since the 1978 deregulation, including increased ridership and a 36 percent drop in airfares. This workshop will bring together representatives of the airline industry and public aviation officials to discuss changes over the past twenty years and the benefits consumers received as a result of unregulated competition.

Speakers: Mary Rose Luny, Commissioner, Chicago O'Hare International Airport; David Swierenga, Chief Economist, Air Transport Assoc.; Illinois State Senator Walter Dudycz

Concurrent Workshops D ...................... 11:00am - 12:30pm

D1. Emerging Internet Issues

Encryption, privacy and bandwidth — these are just some of the issues we are bombarded with daily as the unprecedented growth of the Internet and related industries continues. The impact of these issues demands that policy makers at the local, state, federal and international levels of government understand them. If you feel you don't fully understand these issues, or, more importantly, their impact on you and your constituents, you are not alone. Come hear industry experts provide a comprehensive briefing on the need for sound, forward-looking policy in these critical areas.

Speakers: Maryland Delegate Martha S. Klima, Chair, ALEC Telecommunications and Information Task Force; Link Hoewing, Executive Director, External Relations, Bell Atlantic Corp.

D2. Constitutional Protections for Taxpayers: A Blueprint for Fiscal Restraint

Surging revenues from a booming economy, coupled with recent spending restraint, have allowed states to post surpluses averaging 7-8 percent of expenditures and pushed the federal budget to the brink of its first surplus in 30 years.

With state governments beginning to ratchet-up spending and the federal government already passing spending plans that blow through the caps set in last year's balanced budget agreement, there are ominous signs that this may be only a temporary phenomenon. This unprecedented opportunity to cut taxes and reduce the size of government may be squandered with a flurry of new spending.

This workshop will examine what measures can be enacted to ensure that the federal and state governments restrain future spending. The panel will discuss and examine the effectiveness of: tax and expenditure limits, super-majority requirements, balanced budget requirements, line item vetoes, and other mechanisms.

Speakers: David Stanley, Chairman, National Taxpayers Union; U.S. Senator Spencer Abraham*, (R-Mich.); Congressman John Shadegg* (R-Ariz.); Congressman John Boehner* (R-Ohio); Steve Forbes*, President and CEO, Forbes, Inc. and former Presidential candidate; Dr. Barry Poulson, University of Colorado.


President Clinton's new decree on federalism threatened to derail the "devolution-revolution," until it was rescinded
under pressure. Executive Order 13083 would have redefined the relationship between federal bureaucracies and states. It revoked President Reagan’s E.O. 12612 to respect federalism and Clinton’s own 1993 E.O. to end unfunded mandates. Like the executive orders it would have replaced, it had guidelines on the issues of jurisdiction, state sovereignty, and federal intervention in state affairs. However, the new initiative was not engineered to help officials empower the states, but to establish criteria for when to abrogate those powers. This workshop will explore the damage to federalism the Clinton initiative would have inflicted, and what should be done when it attempts to revive it in the future.

Speakers: Arizona Senate President Brenda Burns*; George Allen*, former Governor of Virginia; Becky Norton Dunlop, Vice President, Heritage Foundation; Byron Lamm, President, State Policy Network.

Friday, August 21, 1998

Concurrent Workshops E .......................... 9:30am - 10:45am

E1. Improving Public Education: How to Legislate Catalytic Change

Education continues to be one of the most important and controversial issues state lawmakers face today. And while common sense ideas like choice, vouchers, charter schools and teacher accountability have generally met with success in the states that have enacted them, meaningful education reform has been one of the most difficult issues to push through state legislatures. The enemies of reform are strong in number and determined to protect the status quo. This panel of national experts have witnessed and participated in many legislative battles and will share their knowledge of how to pass education reform that will make a difference.

Speakers: Jeanne Allen, President, Center for Education Reform; Tom Carrol, Empire Foundation; Panelists TBD.


While headlines focus on the latest threat to the environment or our health, what are the facts? Experts will discuss the latest trends on the health of the environment and the status of the health of the nation, and identify coming challenges for elected state officials in both arenas.

Speakers: Dr. Steven Hayward, Heritage Foundation; Kip Howlett, Chlorine Chemistry Council; Dr. William Robertson, Univ. of Washington School of Medicine.

E3. The Yellow Pages Test: Competitive Contracting in State & Local Government

Public policy makers have an obligation to provide the highest quality services at the lowest possible cost to the taxpayers. However, it is impossible for efficiency to be achieved when government is allowed to act as a monopoly. This workshop will study the vast opportunities states have for privatization and the various methods that have been utilized in creating a competitive market in the public service area.

Speakers: Mayor Steve Goldsmith*, Indianapolis; Mayor Susan Goldberg*, San Diego; Congressman David McIntosh* (R-Ind.); Congressman Scott Klug (R-Wis.); Maurice McLigure*, former Cabinet Member, New Zealand; Mayor Richard Daley*, Chicago.

Concurrent Workshops F ...................... 11:00am - 12:30pm

F1. Restraint of Trade: Unilateral Trade Sanctions

State and local governments are increasingly considering enacting their own unilateral trade sanctions which create an administrative nightmare for companies seeking to expand their business. Over one-third of the recent economic growth in the U.S. is directly attributable to expanded trade; a proliferation of trade sanctions at the state and local level will jeopardize this growth. This workshop will examine the economic impact that unilateral trade sanctions have on the targeted country as well as the impact on the imposing state.


F2. Myths & Realities of the Global Climate Change Debate: Global Warming, Climate Change, the Kyoto Protocol

There are four main facets to the global warming debate: science, jobs and the economy, international relations, and domestic politics. The traditional scientific method has not proven the assertion that human activity has caused any overall warming of the planet. Additionally, with the Kyoto treaty’s exemption of 132 designated developing nations, those nations would be the beneficiaries of tremendous competitive advantages over the participating countries. Finally, there are great concerns about the methods of implementing the treaty - a treaty that has never been ratified by the United States.

Speakers: Congressman David McIntosh*, (R-Ind.); U.S. Senator John Ashcroft* (R-Mo.); Dr. Allan Moghissi, Institute for Regulatory Science; Dr. Sallie Baliunas, Harvard Center for Astrophysics; William Hall, Dominion Resources

F3. Financial Services Modernization for the 21st Century

Panelists will discuss issues of regulation, federalism and consumer welfare in the integration of industries offering financial services products.

Speakers: Roger Pilon, Cato Institute; Congressman Jim Leach*, (R-Iowa); Neil Levia, Insurrance Commissioner, New York; Professor George Kaufman, Loyola University
The American Legislative Exchange Council is proud to announce that Nebraska Governor E. Benjamin Nelson has been named the ninth recipient of ALEC's highest honor, the Thomas Jefferson Freedom Award. Governor Nelson has a long and exemplary record as one of the country's most effective state executives and a common sense fiscal conservative.

He has also been a leader of the movement to restore the proper balance between the states and the federal government. Along with Utah Governor Michael Leavitt, the 1997 recipient of the Thomas Jefferson Freedom Award, Nelson has called for a conference of the states to develop the constitutional and statutory mechanisms needed to rectify the current imbalance between the states and the national government.

Governor Nelson is a leader who exemplifies the purpose and spirit of the Thomas Jefferson Freedom Award, and joins a distinguished list of previous recipients who do honor both to ALEC and the nation through their accomplishments.

Previous Thomas Jefferson Freedom Award Recipients

1990  President Ronald Reagan  1994  Honorable William J. Bennett
1991  Wisconsin Governor Tommy Thompson  1995  Speaker Newt Gingrich
1992  Honorable Jack Kemp  1996  Virginia Governor George Allen
1993  Michigan Governor John Engler  1997  Utah Governor Michael O. Leavitt

In honor of Governor Nelson and ALEC's 25th Anniversary Annual Meeting, this year's banquet will be a black tie optional event.

Don't have formal wear on hand? Not to worry. For the gentlemen, ALEC has arranged with Desmonds Tuxedos to be on hand to offer rentals for this special night. Their wares will be on display in the exhibit hall near the Registration booth to meet all of your fashion needs. Order by Thursday — Saturday delivery guaranteed!

For the ladies, Chicago's finest department store, the renowned Marshall Fields, will have a personal shopper available for consultation in the Exhibit Hall. And early on Thursday evening, this shoppers' paradise will open its doors for an exclusive, private reception for the ladies attending the ALEC Annual Meeting to peruse their exquisite offerings of fashionable finery.
Featured Events

ALEC Hospitality Suites

After a long day of issue sessions, relax with fellow attendees at ALEC's Hospitality Suites. The suites will offer open bars and light hors d'oeuvres, sparkling conversation and generous helpings of conviviality.

ALEC Exhibits '98

For this year's Annual Meeting ALEC will assemble the most extensive exhibit hall in its history. Nearly 100 exhibitors representing leading public policy organizations, major corporations and companies, and legislative service providers will fill the 120 booths for ALEC Exhibits '98.

Daily special events and giveaways are planned, including ALEC's "Exhibit Passport" program, which will offer three major prizes!

ALEC Radiothon '98

Once again ALEC will be holding a "talkfest" over the airwaves with five to eight local and national talk radio shows broadcasting live from the Annual Meeting!

Be sure to stop by and watch some of America's leading talk radio hosts in action as they interview the news makers and legislative leaders who will be at the ALEC Annual Meeting.

Who knows, it may be you!

And be sure to join us for the ALEC Radiothon '98 reception on Thursday night from 5:00 to 6:30 p.m. to meet some of the nation's leading talk radio hosts in person!

Letters Congratulating ALEC on its 25th Anniversary

All letters will be on display at a special exhibit at the Annual Meeting in Chicago. If your company or organization is interested in submitting a letter or proclamation commemorating ALEC on its 25th Anniversary, please contact David Wargin at (202) 466-3800 ext. 258.

LETTERS FROM GOVERNORS

Governor Jane Dee Hull, Arizona
Governor Philip B. Bryant, Idaho
Governor Terry Branstad, Iowa
Governor Paul Patton, Kentucky
Governor George Pataki, New York
Governor David Beasley, South Carolina
Governor George Bush, Texas
Governor Tommy Thompson, Wisconsin

LETTERS FROM CONGRESSIONAL ALUMNI

U.S. Senator Michael Enzi (R-Wyoming)
Congressman Pat Danner (R-Missouri)
Congressman John Kasich (R-Ohio)

STATE PROCLAMATIONS

Indiana
Kentucky
Massachusetts
New York
Oklahoma
Tennessee

LETTERS FROM CHIEF EXECUTIVE OFFICERS OF CORPORATIONS AND TRADE ASSOCIATIONS

Steve Case, America Online
David Parker, American Gas Association
Francis Mallon, American Physical Therapy Association
Larry Fuller, Amoco
Dick DeVos, Amway
C.T. "Kip" Howlett, Chlorine Chemistry Council
Robert Skaggs, Columbia Gas of Ohio
Doctor Grants, Corrections Corporation of America
David Lack, Council for Affordable Health Insurance
David Liebrock, Fidelity Investments
J. Patrick Rooney, Golden Rule Insurance Co.
Robert Ingram, Glaxo Wellcome
William Barr, GTE Corporation
Patrick Zenger, Hoffman-La Roche
John Ellis, Independence Mining Co.
Don DeBolt, International Franchise Association
Jerald Holleman, Johnson & Johnson
Edgar Bronfman, Joseph Seagram & Sons
Brian Nairin, National Assoc. of Bail Insurance Companies
Jack Ramiz, National Association of Independent Insurers
Jack Faris, National Federation of Independent Business
Jonathan Kemper, National Multi Housing Council
Alan Helmer, Pharmaceutical Research and Manufacturers of America
J. E. Pepper, Proctor & Gamble
Andrew Schindler, RJ Reynolds
James Kelly, UPS

LETTERS FROM PUBLIC POLICY AND MEMBERSHIP ORGANIZATIONS

Paul Weyrich, Free Congress Foundation
Joseph Bast, The Heartland Institute
Edwin Feulner, The Heritage Foundation
Charlton Heston, National Rifle Association
David Stanley, National Taxpayers Union

Sponsored by

The Washington Times
National Weekly Edition

Mike Siegel of KVI in Seattle interviews North Carolina Speaker Harold Brubaker at ALEC's last Annual Meeting Radiothon
Discount Travel to the
ALEC Annual Meeting

For Fast, Easy and Accurate travel arrangements, discounts and frequent flyer mileage credit, call Forest Travel, ALEC's official Annual Meeting travel service, toll-free at:

1-800-734-0730

Or FAX your travel request to Forest Travel at 1-800-559-8715!

Regular, Express or Electronic Ticket Delivery!
In most cases, Forest Travel will provide you with an electronic ticket—just show your i.d. at the airport and you're on your way! If an electronic ticket isn't available, Forest Travel will mail you your ticket or, if you need it quickly, will send it free by express service to anywhere in the U.S.!

United Airlines
ALEC's Official Carrier

United Airlines is offering special meeting fares for all attendees of ALEC's 25th Anniversary Annual Meeting who use the Special Meeting Desk to book their reservations. Book early and take advantage of the promotional fares that give you the greatest savings! Earn a 5% discount off the lowest applicable fare, including First Class, or 10% off the mid-week coach fare. Simply call Forest Travel, or your travel agent can call United at 1-800-521-4041, and refer to ALEC's Annual Meeting ID Number 524WL. Mileage Plus members receive full credit for all miles flown to the meeting. Tickets can be mailed by United, picked up at your local travel agency or United Airlines ticket office. Call now because seats may be limited!

Call 1-800-521-4041
United Airlines code #524WL

Auto Rental

While in Chicago, take advantage of ALEC's Annual Meeting discount auto rental rates with Hertz. Reference the discount number in order to receive the ALEC rate:

Hertz: #41881

Airport Transportation

Airport Transportation. Though many shuttle services are available between the hotels and O'Hare and Midway airports, ALEC recommends Continental Airport Express.

From O'Hare the fare is $15.50 one-way, $28.00 round-trip. From Midway the fare is $11.00 one-way, $20.00 round-trip. A $1.00 coupon for Annual Meeting attendees is available from Continental Airport Express at their Internet site at www.airportexpress.com.

Taxicabs. One-way taxicab fares run $35.00 from O'Hare and $22.00 from Midway.

General Information

Weather and What to Bring
The average daily temperature range for August in Chicago is 61° - 82°F. Light sweaters and wind breakers are advisable for casual evening attire.

As one of the most picturesque cities in America with world renowned architecture, Chicago is a paradise for photographers, so bring your camera and plenty of film. And very comfortable walking shoes are a must!

Dressing for the Annual Meeting
We encourage attendees to wear comfortable, casual attire for all activities except for the Leadership Dinner (invitation only) and the Thomas Jefferson Freedom Award Banquet (black tie optional.)

OmniCom Message Center
The OmniCom Communications Center, located in the Exhibit Hall, gives you a place to introduce yourself to a first-timer, leave a message for a friend, and pick up messages from outside callers. OmniCom features a voice mail center, electronic bulletin board and personal networking service. A personalized access card will be in your registration packet.

ALEC Shuttle Bus Service
Shuttle buses will run continuously between the Chicago Hilton and Towers and the Palmer House Hilton. Both hotels also have shuttle bus services to other parts of the city.

Photography
ALEC's photographer will be on hand once again to help you capture your memories of the ALEC Annual Meeting. Be sure to have your State Chair make a reservation for your state delegation photo!

Security/Badges
Your Annual Meeting badge is required for admittance to all meal sessions, workshops and social events. Badges MUST be shown to gain admittance.
Those with "Exhibitor Floor Badges" will not be admitted to meal sessions and workshops.
Task Force Meeting Preview

Described below are the topics and legislation to be discussed at Task Force Meetings during ALEC's 25th Annual Meeting in Chicago.

Civil Justice Task Force

Thursday, Aug. 20 — 2:30-5:00 p.m.

The Civil Justice Task Force will convene its summer meeting in the Waldorf Room of the Hilton & Towers. In addition to an update of Task Force Activities, the Task Force will consider legislation to extend the self-critical analysis privilege to insurance services, and two model bills ensuring that state attorneys general are accountable to the legislature when promulgating new rules and when soliciting contracts.

The task force will also discuss possible legislative solutions to the liability issues surrounding the Year 2000 computer problem.

Commerce & Economic Development Task Force

Thursday, Aug. 20 — 2:30-5:30 p.m.

The traditional union practice of using membership dues for politics was a hotly debated issue this year in California and many state legislatures. Although California's Proposition 226, a ballot measure designed to end this practice was defeated in June, this remains an important issue. The Task Force will turn its attention to public sector unions, such as the NEA, AFT and AFSCME when it hosts a discussion by Dr. Myron Lieberman. These unions are among the most politically influential in the nation, and frequently use member dues for politics without permission. Dr. Lieberman will argue for model legislation aimed at curtailing this practice by these unions.

The Task Force will also hear from Dr. Richard Vedder, an expert from Ohio University on the minimum wage and other issues. Dr. Vedder recently completed an ALEC State Factor on the minimum wage.

Dr. Merrill Matthews from the National Center for Policy Analysis will be on hand to talk to the Task Force about his work on Social Security reform, which has gained momentum on Capitol Hill. ATM surcharges and socially conscious investing will also be on the agenda.

Criminal Justice Task Force

Friday, Aug. 21 2:30 to 5:30 p.m.

The centerpiece of the agenda will be two bills establishing standards for the private corrections industry, such as when states place inmates in facilities outside of the state in which they were sentenced. ALEC's private corrections subcommittee will also review and revamp ALEC's Private Correction Facilities Act — the enabling legislation for private corrections. Also on the agenda is child gun safety legislation and legislation that would regulate inmate workers' access to sensitive information, such as credit card and social security numbers.

Education Task Force

Thursday, Aug. 20 2:30-5:30 p.m.

The Education Task Force will discuss formation of an Executive Committee to help the Task Force identify issues and potential private sector members, and develop operating and program budgets. The Task Force will also discuss the creation of subcommittees to develop model legislation and educational products. Issues and projects for 1999 will also be discussed. The Task Force will accept nominations for new Public and Private Chairs for the new two year term beginning January 1, 1999. Model legislation on choice, academic standards, and teacher standards will be discussed and voted on.

National experts will brief the Task Force on the issues of school choice, charter schools, vouchers, academic standards, teacher training, the Wisconsin Supreme Court decision on vouchers, and school-to-work.

Energy, Environment, Natural Resources, and Agriculture Task Force

Friday, Aug. 21 2:30 to 5:30 p.m.

Many of the current issues addressed by this Task Force have already become law in Virginia under the recent administration of Gov. George Allen. During his term, over a dozen market-oriented and incentive based bills were adopted. Moreover, Gov. Allen's Secretary of Natural Resources, Becky Norton Dunlop, introduced an element of sanity into several regulations in where market and property rights had initially been given short shrift. Secretary Dunlop, now Vice President of Public Affairs at the Heritage Foundation, joins ALEC's Energy, Environment, Natural Resources, and Agriculture Task Force to discuss Virginia's successes in promoting sound stewardship of natural resources based on incentives and the free market rather than on more government regulations and bureaucracies. Also joining the Task Force meeting to discuss issues related to the continuing battle for ALEC's model Environmental Audit Privilege legislation are Dr. Elizabeth Gelman, Johns Hopkins University; Kinman Coleman, ALEC ENRRA Task Force Advisor; and Rep. Clyde Bradley, chief sponsor of this legislation in Iowa. Barbara Bruin, from the Pennsylvania Public Utilities Commission, will share her insights on the evolving marketplace for electric energy and her experience in Pennsylvania.

The Task Force will also discuss amendments to the Environmental Justice Principles, a resolution on the issue of Environmental Justice, and an update on Waste Tire abatement.
Health & Human Services Task Force

Thursday, Aug. 20 2:30-5:30 p.m.

The Task Force will address a wide range of topics including: privatization of child welfare and welfare programs; long-term care; and unfair federal treatment of health insurance issues. The Task Force will vote on the Privatization of Foster Care Services Act; the Privatization of Welfare-to-Work Programs Act; and the Resolution Urging Congress to Create Private Financing of the Medicare Program. It will also consider for a vote two resolutions addressing equity in the tax deductibility of health insurance for the self-employed and the principles to be included in the development of any law on the privacy and confidentiality of patient identifying medical information.

Following will be a series of discussions from leaders in the health and welfare arena who will provide insight on issues including patient protection accounts, child welfare, and long-term solutions for Medicare. Congressman Bill Archer (R-Tex.) is invited to speak on a new concept of Medical Savings Accounts or Patient Protection Accounts. A recent study by the Pacific Research Institute will be presented by Naomi Lopez, Director of Health and Welfare Studies. An overview of a study examining solutions for Medicare and a study analyzing state-mandated benefits will be given by Mark Litow of Millman & Robertson, Inc.

Trade & Transportation Task Force

Thursday, Aug. 20 2:30-5:30 p.m.

The Task Force will vote on several pieces of legislation, which reviewed this spring by the Surface and Air subcommittee. Votes are expected on two resolutions on truck weight and size restrictions and unilateral trade sanctions. The Task Force will also consider The Passenger Transportation Deregulation Act, which eliminates the monopoly currently held by municipal bus services by allowing multi-passenger van services to compete in the transit market. The Creation of a Common Port of Entry Act authorizes a state to enter into agreements with contiguous states to jointly locate, construct, staff and operate permanent and portable weight scales or ports of entry. Allowing two states to jointly enforce certain laws enables the states to share resources and eliminate one of their inspection facilities. The Task Force will also consider the Competitive Contracting of the Department of Motor Vehicles Act which institutes a plan requiring a state’s DMV to develop a competitive environment for the production of goods and services.

Task Force Advisor Adrian Moore of the Reason Foundation will give a presentation on the benefits of full cost accounting and the Task Force will discuss the development of model legislation in this area. Other presentations will be given on airline deregulation and state blood alcohol concentration levels.

Tax & Fiscal Policy Task Force

Federal and State Tax Reform Panel Discussion

Thursday, Aug. 20 2:30–4:00 p.m.

All conference attendees are invited to a lively and compelling panel discussion on the urgent need for comprehensive state and federal tax reform. Panelists will include: Dr. Arthur LaFerber, Ohio State Treasurer Ken Blackwell; and Task Force Advisors Dr. Richard Vedder, Ohio University and Stephen Moore, Director of Fiscal Studies, Cato Institute. The full Task Force meeting immediately follows the panel.

Telecommunications & Information Technology Task Force

Friday, Aug. 21 2:30 to 5:30 p.m.

The Ad Hoc Committee on Electronic Commerce and the Internet will report on its activities in 1998, including its two hearings on public rights-of-way. Their findings and recommendations have been documented in a State Factor which will be voted on at the meeting. The committee will also announce its plans to address new regulatory and tax issues and projects.

The Ad Hoc Committee on Regulatory Reform and Taxation will report on its activity in 1998, including its two hearings on public rights-of-way. Their findings and recommendations have been documented in a State Factor which will be voted on at the meeting. The committee will also announce its plans to address new regulatory and tax issues and projects.
ENERGY, ENVIRONMENT AND AGRICULTURE

TASK FORCE MEETING

2014 ANNUAL MEETING
DALLAS, TEXAS
JULY 31, 2014
2:30PM – 5:30PM

TENTATIVE AGENDA

2:30   Call to Order, Welcome, and Introductions
       Rep. Tom Lockhart, Wyoming
       Paul Loeffelman, American Electric Power

2:35   Presentation: The Implications of the Proposed “Waters of the U.S.” Rule on the Energy Industry

2:50   Model Policy: Resolution Regarding Clean Water Act Regulations and EPA’s Definition of “Waters of the U.S.”

3:05   Presentation: Nuclear Matters

3:25   Presentation: Current State of Transmission Pipeline System

3:40   Model Policy: Weights and Measures and Standards for Dispensing CNG and LNG Motor Fuels

3:55   Presentation: Nongovernmental International Panel on Climate Change (NIPCC) Update


4:30   Presentation: Liquefied Natural Gas (LNG) Exports

4:45   Model Policy: Resolution in Support of Expanded LNG Exports

5:00   Presentation: Property Assessed Clean Energy (PACE) Programs

5:15   New Member Introduction

5:25   For the Good of the Order

5:30   Adjournment
Nongovernmental International Panel on Climate Change Update

The debate over global warming is the most consequential public policy debate taking place today in the United States and around the world. The stakes are enormous.

The Intergovernmental Panel on Climate Change (IPCC), a project of the United Nations, is not a credible source of science or economics.

IPCC Bias #1:
Climate change is "a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods."

The Framework Convention on Climate Change, 1994, Article 1.2

IPCC Bias #2:
"We are an intergovernmental body and we do what the governments of the world want us to do. ... If the governments decide we should do things differently and come up with a vastly different set of products, we would be at their beck and call."


NIPCC
Nongovernmental International Panel on Climate Change

* Formed in 2003 by Prof. S. Fred Singer
* Partnership of three organizations:
  * The Center for the Study of Carbon Dioxide and Global Change
  * Science and Environmental Policy Project
  * The Heartland Institute
Nongovernmental International Panel on Climate Change
Update

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NIPCC
Nongovernmental International Panel on Climate Change

* Formed in 2003 by Prof. S. Fred Singer
* Partnership of three organizations:
  * The Center for the Study of Carbon Dioxide and Global Change
  * Science and Environmental Policy Project
  * The Heartland Institute
What the NIPCC scientists found:
* There is no scientific consensus on the human role in climate change.
* Future warming due to human greenhouse gases will be much less than IPCC forecasts.
* Carbon dioxide has not caused weather to become more extreme, polar ice and sea ice to melt, or sea level rise to accelerate. These were all false alarms.
* The likely benefits of man-made global warming exceed the likely costs.

What this means for public policy:
* Global warming is not a crisis. The threat was exaggerated.
* There is no need to reduce carbon dioxide emissions and no point in attempting to do so.
* It's time to repeal unnecessary and expensive policies.
* Future policies should aim at fostering economic growth to adapt to natural climate change.

Rein in EPA
"I have come to believe that the national EPA must be systematically dismantled and replaced by a Committee of the Whole of the 50 state environmental protection agencies."

Jay Lehr, Ph.D.
Science Director
The Heartland Institute

Oppose Carbon Pricing
* Oppose carbon taxes
* Oppose cap and trade schemes
* Oppose Obama's plan to regulate CO₂ as a pollutant

ALEC Model Bills
* Resolution in Opposition to a Carbon Tax
* Resolution Concerning EPA Proposed Greenhouse Gas Emission Standards for New and Existing Fossil-Fueled Power Plants
* Resolution in Response to EPA's Plan to Regulate Greenhouse Gases under the Clean Air Act

Stop Subsidizing Alternative Energy
* Repeal renewable power mandates
* Repeal renewable energy subsidies
* Oppose net metering provisions that burden consumers
ALEC Model Bills
* Electricity Freedom Act
* The Market-Power Renewables Act
* Updating Net Metering Policies Resolution

Lift Obstacles to Conventional Energy
* Oppose heavy regulation of hydraulic fracturing
* Approve new oil and gas pipelines
* Allow exploration and development on public lands
* Lift regulations on nuclear power

ALEC Model Bills
* Resolution to Retain State Authority over Hydraulic Fracturing
* Resolution in Support of the Keystone XL Pipeline
* Resolution Urging Quick Congressional Action on the Recommendations of the Blue Ribbon Commission on America's Nuclear Future

ALEC Model Bills
* Pipeline Replacement and Infrastructure Modernization and Enhancement Act
* Resolution Urging the President and Congress to Act Expediiously in Procuring a Site or Sites for the Storage of High-Level Radioactive Waste

Get the Feds out of Forestry and Land Use
* Roll back federal management of public lands
* Empower states to protect endangered species
* Oppose Agenda 21-style land use restrictions

ALEC Model Bills
* Resolution Demanding that Congress Convey Title of Federal Public Lands to the States
* State Standards for Federal Resource Management Act
* The Right to Practice Forestry Act
* State-Based Healthy Forest Plan
ALEC Model Bills
* Endangered Species Resolution
* Protecting Property Rights to Facilitate Species Conservation

Get the Feds Out of Transportation
* Repeal fuel economy standards (CAFE)
* Repeal ethanol mandates
* Repeal electric vehicle subsidies

ALEC Model Bills
* Restrictions on Participation in Low-Carbon Fuel Standards Programs
* Resolution on Alternative Fuels

Look Under the Hood!

www.climatechangelereconsidered.org
www.heartland.org/issues/environment
MEMORANDUM

TO: ENERGY, ENVIRONMENT AND AGRICULTURE TASK FORCE MEMBERS
FROM: CLINT WOODS, TASK FORCE DIRECTOR
DATE: October 27, 2010
RE: 35-DAY MAILING——STATES AND NATION POLICY SUMMIT

The American Legislative Exchange Council will host its States and Nation Policy Summit (SNPS) on December 1 – 3 in Washington, DC at the Grand Hyatt. If you have not yet registered for this meeting, please go to www.alec.org.

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

**Wednesday, December 1**
- Energy Subcommittee (8:30am – 10:00am)
- Environmental Health & Regulation Subcommittee (10:15am – 11:45am)

**Thursday, December 2**
- Workshop VI – EPA’s Regulatory Assault: Higher Prices, Fewer Jobs, Less Energy (11:00am – 12:15pm)
- Energy, Environment and Agriculture Task Force meeting (2:30pm – 5:30pm)

**Friday, December 3**
- Workshop IX – A Tax in Sheep’s Clothing: How Extended Producer Responsibility Mandates can Hurt Consumers and Business (11:00am – 12:15pm)

The following materials are attached:
- Agenda for the Energy, Environment and Agriculture Task Force Meeting (1 page)
- Agenda for Subcommittee Meetings (2 pages)
- Annual Meeting Agenda-at-a-Glance (2 pages)
- Workshop Advertisements (2 pages)
- Energy, Environment and Agriculture Task Force Roster (6 pages)
- Annual Meeting Task Force Meeting Minutes (2 pages)
- Scholarship Policy by Meeting (1 page)
- ALEC Task Force Operating Procedures (12 pages)
- ALEC Mission Statement (1 page)
- Attendee Registration Housing Form (1 page)
- Spouse/Guest Registration Housing Form (1 page)
- Model Legislation

**Hotel information:** The Grand Hyatt Washington is located at 1000 H Street NW, Washington, D.C. Telephone: (202) 582-1234. Website: www.grandwashington.hyatt.com

(Continued on next page)
I am also happy to inform you of the following updates to the Task Force leadership:

**Energy, Environment and Agriculture Task Force**
- Rep. David Wolkins, Indiana, Public Sector Chair
- Martin Shultz, Pinnacle West Capital Corporation, Private Sector Co-Chair
- Tom Moskitis, American Gas Association, Private Sector Co-Chair

**Energy Subcommittee**
- Rep. Tom Lockhart, Wyoming, Public Sector Chair
- Mike McGarey, Nuclear Energy Institute, Private Sector Chair

**Environmental Health & Regulation Subcommittee**
- Rep. Ralph Watts, Iowa, Public Sector Chair
- Jennifer Mendez, Carpet and Rug Institute, Private Sector Chair

**Agriculture & Rural Development Subcommittee**
- Rep. Larry Powell, Kansas, Public Sector Chair
- Jeff Case, CropLife America, Private Sector Chair

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

Sincerely,
Clint Woods
ALEC ENERGY, ENVIRONMENT AND AGRICULTURE
TASK FORCE MEETING
2010 STATES AND NATION POLICY SUMMIT
WASHINGTON, DC
DECEMBER 2, 2010
2:30PM – 5:30PM

TENTATIVE AGENDA

Call to Order, Welcome, and Introductions
Representative David Wolkins, Indiana
Martin Shultz, Pinnacle West Capital Corporation
Tom Moskitis, American Gas Association

Energy and Environment in the Wake of the Collapse of Cap and Trade
Steven F. Hayward, American Enterprise Institute

Natural Gas & Public Opinion
Chris Wilson, Wilson Research Strategies

The EPA Threat to American Agriculture
Speaker TBA

Update on Power Plant Cooling Water Regulation
Speaker TBA

MODEL RESOLUTIONS:
• RESOLUTION TO RETAIN STATE SOVEREIGNTY OVER INTRASTATE WATER RESOURCES (Rep. Pete Illoway, Wyoming)
• RESOLUTION ON BEST AVAILABLE CONTROL TECHNOLOGY FOR COAL-BASED ELECTRIC GENERATION (Peabody)

A Fresh Start on the Environment: Good Science and Good Policy for New Majorities
Todd Myers, Washington Policy Center

Beat the Peak: Consumers and Energy Efficiency
Rob Book, Delaware Electric Cooperative

MODEL LEGISLATION:
• THE AGRICULTURAL SUSTAINABILITY ACT (CropLife America)
• THE CAPITAL RECOVERY FOR CLEAN ENERGY GENERATING PLANTS ACT (Nuclear Energy Institute)

For the Good of the Order

Adjourn
ENERGY SUBCOMMITTEE
2010 STATES AND NATION POLICY SUMMIT
WASHINGTON, DC
WEDNESDAY, DECEMBER 1, 2010
8:30AM – 10:00AM

TENTATIVE AGENDA

8:30 a.m.  Welcome and Introductions
           Rep. Tom Lockhart, Wyoming
           Michael McGarey, Nuclear Energy Institute

8:40 a.m.  Model Legislation: THE CAPITAL RECOVERY FOR CLEAN ENERGY
           GENERATING PLANTS ACT

9:00 a.m.  Model Legislation: RESOLUTION ON BEST AVAILABLE CONTROL
           TECHNOLOGY FOR COAL-BASED ELECTRIC GENERATION

9:20 a.m.  The War on Western Jobs
           Cody Stewart, Congressional Western Caucus

9:40 a.m.  The Emerging Technology of Small Nuclear Reactors
           Speaker TBA

9:55 a.m.  For the Good of the Order

10:00 a.m. Adjournment
ENVIRONMENTAL HEALTH & REGULATION SUBCOMMITTEE
2010 STATES AND NATION POLICY SUMMIT
WASHINGTON, DC
WEDNESDAY, DECEMBER 1, 2010
10:15AM – 11:45AM

TENTATIVE AGENDA

10:15 a.m. Welcome and Introductions
   Rep. Ralph Watts, Iowa
   Jenn Mendez, Carpet and Rug Institute

10:25 a.m. Model Legislation: RESOLUTION TO RETAIN STATE SOVEREIGNTY
   OVER INTRASTATE WATER RESOURCES

10:40 a.m. Federal Electronic Waste Legislation
   Speaker TBA

11:00 a.m. Discussion: State Framework Extended Producer Responsibility Laws

11:20 a.m. Coal Ash Update

11:40 a.m. For the Good of the Order

11:45 a.m. Adjournment
# 2010 States & Nation Policy Summit Agenda*

## Tuesday, November 30th
- **Joint Board of Directors Meetings**: 8:00 a.m. - 5:30 p.m.  Farragut/Lafayette
- **Registration**: 12:00 p.m. - 5:00 p.m.  Independence Foyer
- **ALEC Joint Board Reception and Dinner**: 6:30 p.m. - 9:30 p.m.  Off-site

## Wednesday, December 1st
- **Registration**: 7:30 a.m. - 5:00 p.m.  Independence Foyer
- **Task Force Subcommittee Meetings**: 8:00 a.m. - 11:45 a.m.
- **Exhibit Hall**: 9:00 a.m. - 3:00 p.m.  Independence Foyer
- **State Chairs Meeting**: 9:00 a.m. - 11:45 a.m.  Wilson/Roosevelt
- **New Legislator Orientation**: 10:30 a.m. - 11:30 a.m.  Franklin Square
- **Opening Plenary Luncheon**: 12:00 p.m. - 2:00 p.m.  Independence A
- **Task Force Chairs Meeting**: 2:15 p.m. - 3:15 p.m.  Franklin Square
- **Workshop I: Comparative Effectiveness Research: Rationing Care or Improving Quality?**
  - 2:15 p.m. - 3:30 p.m.  Farragut/Lafayette
- **Workshop II: Higher Education by invitation only**
  - 3:45 p.m. - 5:00 p.m.  Farragut/Lafayette
- **National Chairman’s Reception**
  - 5:30 p.m. - 6:30 p.m.  Independence IH
- **Hospitality Suite**: 9:00 p.m. - 11:00 p.m.  Congressional Parlor

## Thursday, December 2nd
- **Registration**: 7:30 a.m. - 5:00 p.m.  Independence Foyer
- **Plenary Breakfast**: 8:00 a.m. - 9:15 a.m.  Independence A
- **Exhibit Hall**: 9:00 a.m. - 3:00 p.m.  Independence Foyer
- **Workshop III: Show Me the Money; Budget Transparency in the States**
  - 9:30 a.m. - 10:45 a.m.  Farragut Square
- **Workshop IV: Delivering Justice to Rape Victims while Minimizing Taxpayer Cost**
  - 9:30 a.m. - 10:45 a.m.  Lafayette Park
- **Workshop V: Cutting Crime and Budgets: The National Movement**
  - 11:00 a.m. - 12:15 p.m.  Farragut Square
- **Workshop VI: EPA’s Regulatory Assault: Higher Prices, Fewer Jobs, and Less Energy**
  - 11:00 a.m. - 12:15 p.m.  Lafayette Park
- **Plenary Luncheon**: 12:30 p.m. - 2:15 p.m.  Independence A
- **Task Force Meetings**
  - 2:30 p.m. - 5:30 p.m.
    - Energy, Environment, and Agriculture  Farragut/Lafayette
    - Health and Human Services  Independence CDE
    - Public Safety and Elections  Independence FG
    - Tax and Fiscal Policy  Independence IH
- **Gala Holiday Reception**: 6:00 p.m. - 8:00 p.m.  Constitution AB
- **Hospitality Suite**: 9:00 p.m. - 11:00 p.m.  Congressional Parlor
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<tr>
<td>9:00 a.m. - 3:00 p.m.</td>
<td>Exhibit Hall</td>
<td>Independence Foyer</td>
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<tr>
<td>9:30 a.m. - 10:45 a.m.</td>
<td>Workshop VII: Federalism I</td>
<td>Farragut Square</td>
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<tr>
<td>9:30 a.m. - 10:45 a.m.</td>
<td>Workshop VIII: Overcriminalization</td>
<td>Lafayette Park</td>
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<tr>
<td>11:00 a.m. - 12:15 p.m.</td>
<td>Workshop X: A Tax in Sheep’s Clothing; How Extended Producer Responsibility Mandates Can Hurt Consumers and Business</td>
<td>Farragut Square</td>
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<tr>
<td>11:00 a.m. - 12:15 p.m.</td>
<td>Workshop X: Federalism II</td>
<td>Lafayette Park</td>
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<tr>
<td>12:30 p.m. - 2:15 p.m.</td>
<td>Plenary Luncheon</td>
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<td>2:30 p.m. - 5:30 p.m.</td>
<td>Task Force Meetings</td>
<td>Farragut/Lafayette</td>
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<td>• Civil Justice</td>
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<td></td>
<td>• Commerce, Insurance and Economic Development</td>
<td>Independence CDE</td>
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<td>• Education</td>
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<td>• Telecommunications and Information Technology</td>
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<td></td>
<td>• International Relations</td>
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<tr>
<td>5:30 p.m. - 6:30 p.m.</td>
<td>Louisiana Freview Reception for 2011 Annual Meeting</td>
<td>Franklin Square</td>
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<tr>
<td>Beginning at 6:30 p.m.</td>
<td>State Delegation Night</td>
<td>See Your State Chair</td>
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*Agenda subject to change.*
A Tax in Sheep’s Clothing

How Extended Producer Responsibility Mandates can Hurt Consumers and Business

This workshop will provide a basic introduction to both product-specific and framework Extended Producer Responsibility (sometimes called Product Stewardship) laws that are likely to confront legislators in the upcoming session. This panel will examine state and international initiatives and how these mandates can backfire and cost consumers, as well as provide more information on market-driven and government-mandated recycling programs.

Friday, December 3 at 11:00 AM
EPA’s Regulatory Assault
Higher Prices, Fewer Jobs, and Less Energy

Join us to learn about the economic, legal, and social consequences of EPA’s expanding regulatory portfolio. Speakers include:

- Peter Glaser, Troutman Sanders
- Paul Cicio, Industrial Energy Consumers of America
- Harry Alford, National Black Chamber of Commerce

Thursday, December 2, 11:00-12:15
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<td>Rep.</td>
<td>Clay</td>
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<tr>
<td>Mr. Harold</td>
<td>Hamm</td>
<td>Continental Resources, Inc.</td>
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</tr>
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<td>Joe</td>
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<td>Legislative Member</td>
</tr>
<tr>
<td>Mr.</td>
<td>Michael</td>
<td>Nuclear Energy Institute</td>
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<td>Mr.</td>
<td>Mike</td>
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<td>Private Sector Member (M1)</td>
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<tr>
<td>Sen.</td>
<td>Lesil</td>
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</tr>
<tr>
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<td>Betsy</td>
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</tr>
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<td>Michael</td>
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<tr>
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<td>Rep.</td>
<td>James</td>
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<td>Mr.</td>
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<td>Chair/CEP/founder</td>
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<td>DC</td>
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<tr>
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</tr>
<tr>
<td>Rep.</td>
<td>Mike</td>
<td>Oklahoma Legislature</td>
<td>Representative</td>
<td>Oklahoma City</td>
<td>OK</td>
<td>(405) 557-7407</td>
<td><a href="mailto:mike.sanders@okhouse.gov">mike.sanders@okhouse.gov</a></td>
<td>Alternate</td>
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<tr>
<td>Rep.</td>
<td>Bill</td>
<td>South Carolina Legislature</td>
<td>Representative</td>
<td>Seneca</td>
<td>SC</td>
<td>(803) 734-3015</td>
<td><a href="mailto:wes@schouse.org">wes@schouse.org</a></td>
<td>Legislative Member</td>
</tr>
<tr>
<td>Mr.</td>
<td>Ronald</td>
<td>ALEC</td>
<td>PEB Chairman Eminentus</td>
<td>Irving</td>
<td>TX</td>
<td>(214) 557-6769</td>
<td><a href="mailto:ronscheberle@sbcglobal.net">ronscheberle@sbcglobal.net</a></td>
<td>Staff</td>
</tr>
<tr>
<td>Rep.</td>
<td>Joe</td>
<td>Washington Legislature</td>
<td>State Representative</td>
<td>Olympia</td>
<td>WA</td>
<td>(360) 786-7844</td>
<td><a href="mailto:schmick.joe@leg.wa.gov">schmick.joe@leg.wa.gov</a></td>
<td>Legislative Member</td>
</tr>
<tr>
<td>Rep.</td>
<td>Shane</td>
<td>Missouri Legislature</td>
<td>Representative</td>
<td>Jefferson City</td>
<td>MO</td>
<td>(573) 751-2948</td>
<td><a href="mailto:shane.schoeller@house.mo.gov">shane.schoeller@house.mo.gov</a></td>
<td>Legislative Member</td>
</tr>
<tr>
<td>Sen.</td>
<td>Kel</td>
<td>Texas Legislature</td>
<td>Senator</td>
<td>Austin</td>
<td>TX</td>
<td>(512) 463-0131</td>
<td><a href="mailto:kel.seliger@senate.state.tx.us">kel.seliger@senate.state.tx.us</a></td>
<td>Legislative Member</td>
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<tr>
<td>Mr.</td>
<td>Richard</td>
<td>American Gas Association</td>
<td>Manager, External Mobilization</td>
<td>Washington DC</td>
<td>202-824-7210</td>
<td><a href="mailto:rshelby@aga.org">rshelby@aga.org</a></td>
<td>Private Sector Member (M2)</td>
<td></td>
</tr>
<tr>
<td>Del.</td>
<td>Tanya</td>
<td>Maryland Legislature</td>
<td></td>
<td>Westminster MD</td>
<td>(410) 841-3371</td>
<td><a href="mailto:tanya.shewell@house.state.md.us">tanya.shewell@house.state.md.us</a></td>
<td>Legislative Member</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Jonathan</td>
<td>American Petroleum Institute</td>
<td>Director of Corporate &amp; Non-Profit Relations</td>
<td>Washington DC</td>
<td>(202) 682-8116</td>
<td><a href="mailto:shorej@api.org">shorej@api.org</a></td>
<td>Private Sector Member (M1)</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Rob</td>
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<td>(202) 466-3800</td>
<td><a href="mailto:rsrum@alec.org">rsrum@alec.org</a></td>
<td>Staff</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Martin</td>
<td>Pinnacle West Capital Corp.</td>
<td>Vice President, Government Affairs</td>
<td>Phoenix AZ</td>
<td>(602) 250-2866</td>
<td><a href="mailto:martin.shultz@pinnaclewest.com">martin.shultz@pinnaclewest.com</a></td>
<td>Co-Chair</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Geoff</td>
<td>MDU Resources Group, Inc.</td>
<td>Director, State Government Affairs</td>
<td>Bismarck ND</td>
<td>(701) 530-1086</td>
<td><a href="mailto:geoff.simon@mduresources.com">geoff.simon@mduresources.com</a></td>
<td>Private Sector Member (M1)</td>
<td></td>
</tr>
<tr>
<td>Sen.</td>
<td>Douglas</td>
<td>Maine Legislature</td>
<td>Senator</td>
<td>Dover-Foxcroft ME</td>
<td>(207) 287-1505</td>
<td><a href="mailto:dsmith@kynd.net">dsmith@kynd.net</a></td>
<td>Legislative Member</td>
<td></td>
</tr>
<tr>
<td>Rep.</td>
<td>Lynn</td>
<td>Georgia General Assembly</td>
<td></td>
<td>Atlanta GA</td>
<td>(404) 656-7149</td>
<td><a href="mailto:lynn.smith@house.ga.gov">lynn.smith@house.ga.gov</a></td>
<td>Legislative Member</td>
<td></td>
</tr>
<tr>
<td>Mr.</td>
<td>Russell</td>
<td>Salt River Project</td>
<td>Manager State Government Relations</td>
<td>Phoenix AZ</td>
<td>(602) 236-2834</td>
<td><a href="mailto:Russell.Smoldon@srpnet.com">Russell.Smoldon@srpnet.com</a></td>
<td>Private Sector Member (M1)</td>
<td></td>
</tr>
<tr>
<td>Sen.</td>
<td>V.</td>
<td>Rhode Island Legislature</td>
<td>State Senator</td>
<td>Providence RI</td>
<td></td>
<td><a href="mailto:sen-sosnowski@rilin.state.ri.us">sen-sosnowski@rilin.state.ri.us</a></td>
<td>Alternate</td>
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<tr>
<td>Del.</td>
<td>Richard</td>
<td>Maryland Legislature</td>
<td></td>
<td>Annapolis MD</td>
<td>(410) 841-3543</td>
<td><a href="mailto:richard.sossi@house.state.md.us">richard.sossi@house.state.md.us</a></td>
<td>Legislative Member</td>
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<tr>
<td>Mr.</td>
<td>Scott</td>
<td>Spendlove</td>
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<td>CO</td>
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<td>Private Sector Member (M2)</td>
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<tr>
<td>Mr.</td>
<td>John</td>
<td>National Taxpayers Union</td>
<td>State Gov’t Affairs Manager</td>
<td>Alexandria VA</td>
<td>703-683-5700</td>
<td><a href="mailto:jstephenson@ntu.org">jstephenson@ntu.org</a></td>
<td>Private Sector Member (M1)</td>
<td></td>
</tr>
<tr>
<td>Rep.</td>
<td>John</td>
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<td></td>
<td>Rupert ID</td>
<td>(208) 334-2475</td>
<td><a href="mailto:jstevenson@house.idaho.gov">jstevenson@house.idaho.gov</a></td>
<td>Legislative Member</td>
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<td>Ms.</td>
<td>Judy</td>
<td>Stokey</td>
<td>NV Energy, Inc.</td>
<td>Director, Government Affairs</td>
<td>Las Vegas</td>
<td>NV</td>
<td>(702) 402-5646</td>
<td><a href="mailto:jstokey@nevp.com">jstokey@nevp.com</a></td>
</tr>
<tr>
<td>Mr.</td>
<td>James</td>
<td>Taylor</td>
<td>Heartland Institute</td>
<td>Managing Editor, Environment and Climate News</td>
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<td>FL</td>
<td>312-377-4000</td>
<td><a href="mailto:nikki@heartland.org">nikki@heartland.org</a></td>
</tr>
<tr>
<td>Rep.</td>
<td>Matt</td>
<td>Teeters</td>
<td>Wyoming Legislature</td>
<td></td>
<td>Cheyenne</td>
<td>WY</td>
<td>(307) 777-7852</td>
<td><a href="mailto:mteeters@wyoming.com">mteeters@wyoming.com</a></td>
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<tr>
<td>Sen.</td>
<td>Francis</td>
<td>Thompson</td>
<td>Louisiana Legislature</td>
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<td>LA</td>
<td>(225) 342-2040</td>
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</tr>
<tr>
<td>Rep.</td>
<td>Michael</td>
<td>Thompson</td>
<td>Oklahoma Legislature</td>
<td>Representative</td>
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<td>OK</td>
<td></td>
<td><a href="mailto:mike.thompson@okhouse.gov">mike.thompson@okhouse.gov</a></td>
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<tr>
<td>Sen.</td>
<td>Ross</td>
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<td>GA</td>
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<td>Gerald</td>
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<td><a href="mailto:guglem@nd.gov">guglem@nd.gov</a></td>
</tr>
<tr>
<td>Rep.</td>
<td>Karl</td>
<td>Van Roy</td>
<td>Wisconsin Legislature</td>
<td>Representative</td>
<td>Green Bay</td>
<td>WI</td>
<td>(608) 266-0616</td>
<td><a href="mailto:rep.vanroy@legis.wisconsin.gov">rep.vanroy@legis.wisconsin.gov</a></td>
</tr>
<tr>
<td>Rep.</td>
<td>Kim</td>
<td>Vanneman</td>
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<td>Representative</td>
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<td>SD</td>
<td>(605) 773-3251</td>
<td><a href="mailto:rep.vanneman@state.sd.us">rep.vanneman@state.sd.us</a></td>
</tr>
<tr>
<td>Rep.</td>
<td>Don</td>
<td>Vigesaa</td>
<td>North Dakota Legislature</td>
<td>Representative</td>
<td>Cooperstown</td>
<td>ND</td>
<td></td>
<td><a href="mailto:dvigesaa@nd.gov">dvigesaa@nd.gov</a></td>
</tr>
<tr>
<td>Sen.</td>
<td>Frank</td>
<td>Wagner</td>
<td>Virginia General Assembly</td>
<td>Senator</td>
<td>Virginia Beach</td>
<td>VA</td>
<td>(804) 698-7507</td>
<td><a href="mailto:fwagner@davisboat.com">fwagner@davisboat.com</a></td>
</tr>
<tr>
<td>Rep.</td>
<td>Wendy</td>
<td>Warburton</td>
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<td>Representative</td>
<td>Havre</td>
<td>MT</td>
<td>(406) 444-4800</td>
<td><a href="mailto:wendywarburton@gmail.com">wendywarburton@gmail.com</a></td>
</tr>
<tr>
<td>Del.</td>
<td>Lee</td>
<td>Ware</td>
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<td>Delegate</td>
<td>Powhatan</td>
<td>VA</td>
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<td><a href="mailto:DelOWare@house.virginia.gov">DelOWare@house.virginia.gov</a></td>
</tr>
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<td>Mr.</td>
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</tr>
<tr>
<td>Rep.</td>
<td>Jack</td>
<td>Williams</td>
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<td>AL</td>
<td>(334) 242-7600</td>
<td><a href="mailto:jack@jackwilliams.org">jack@jackwilliams.org</a></td>
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<td>Ms.</td>
<td>Rosemary</td>
<td>Wilson</td>
<td>American Coalition for Clean Coal Electricity (ACCCE)</td>
<td>Ballwin</td>
<td>MO</td>
<td>(703) 302-1216</td>
<td><a href="mailto:rwilson@cleancoalusa.org">rwilson@cleancoalusa.org</a></td>
<td>Private Sector Member (M2)</td>
</tr>
<tr>
<td>Rep.</td>
<td>David</td>
<td>Winters</td>
<td>Illinois Legislature</td>
<td>Rockford</td>
<td>IL</td>
<td><a href="mailto:repwinters@aol.com">repwinters@aol.com</a></td>
<td></td>
<td>Legislative Member</td>
</tr>
<tr>
<td>Rep.</td>
<td>David</td>
<td>Wolkins</td>
<td>Indiana Legislature</td>
<td>Winona Lake</td>
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</tr>
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<td>Mr.</td>
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</tr>
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<td>Mr.</td>
<td>Josh</td>
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</tr>
<tr>
<td>Mr.</td>
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<td>Zielinski</td>
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<td>Private Sector Member (M1)</td>
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<tr>
<td>Rep.</td>
<td>Henry</td>
<td>Zuber</td>
<td>Mississippi Legislature</td>
<td>Jackson</td>
<td>MS</td>
<td>(601) 576-2508</td>
<td><a href="mailto:hank1@cableone.net">hank1@cableone.net</a></td>
<td>Alternate</td>
</tr>
</tbody>
</table>

10-27-10
In attendance:

Rep. Jim Ellington, MS
James Taylor, Heartland
Rep. Tom Lockhart, WY
Carolyn Moss, Dominion
Nick Dranias, Goldwater
Rep. Paul Bandy, NM
Rep. James Strickler, NM
Todd Myers, WPC
John Stevenson, NTU
Sen. Ralph Okerlund, UT
Sen. Tom Niehaus, OH
Rep. Betty De Boef, Iowa
Rep. Bette Grande, ND
Sen. Bob Marshall, KS
Rep. Brenda Heller, ND
Jeanelle McCain, Progress Energy
Rep. Frank Pratt, AZ
Rep. Rebecca Lockhart, UT
David Roznowski, LyondellBasell
Rep. Randy Weber, TX
Rep. Larry Miller, CT
Donna Gelhart, International Paper
Jenn Mendez, Carpet and Rug
Russell Smoldon, Salt River Project
Rep. Russ Jones, AZ
Mike McGarey, NEI
Rep. Harvey Morgan, VA
Rep. Larry Powell, KS
Sen. Ralph Ostmeyer, KS
Sen. Tommy Moffatt, MS
Sen. Perry Lee, MS
Mario Loyola, TPPF
Sen. Michael Lamoureux, Arkansas
Myron Ebell of CEI spoke on “The Politics of EPA Regulation of Greenhouse Gas Emissions”

Dr. Wallace Walrod of Fueling California spoke on “Energy Policy and Fuel Prices in California”

Assemblyman Dan Logue (CA) spoke on “The Effort to Suspend California’s Global Warming Law (Proposition 23)”

Phil Powell of Dominion spoke on Dominion’s Smart Meters

Eminent Domain Authority for Federal Lands Act, State Sovereignty through Local Coordination Act, and Decentralized Land Use Regulation for Rural Counties passed by unanimous vote.

John Indall of Uranium Producers of America spoke on “Uranium Supply and Production”

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

**REGISTRATION / HOUSING FORM**

**Early registration deadline: November 10, 2010**

**Housing cut-off date: November 04, 2010**

December 1-3, 2010

---

**ATTENDEE INFORMATION**

- **Prefix (required):**
  - [ ] Sen
  - [ ] Rep
  - [ ] Del
  - [ ] Mr
  - [ ] Mrs
  - [ ] Ms
  - [ ] Other

- **Last Name:**
- **First Name:**
- **Middle Initial:**
- **Badge Nickname:**

- **Title:**

- **Organization (required):**

- **Address:**

- **City:**

- **State/Province:**

- **Country:**

- **ZIP/Postal Code:**

- **Daytime phone:**
- **Fax:**
- **Alternate phone:**

- **Email:** (confirmation will be sent by email)

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

---

**REGISTRATION INFORMATION**

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

**DISCOUNTED REGISTRATION FEES** are extended only to registrants booking ALEC’s headquarter hotel.

Your $50 savings will become valid when accommodations are confirmed.

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

- [ ] I have already registered
- [ ] ALEC Legislative Member
- [ ] Private Sector Member
- [ ] ALEC Non-Profit Member (501c(3) status required)
- [ ] Non-Profit Non-Member (501c(3) status required)
- [ ] Legislative Staff / Government
- [ ] ALEC Legacy Member

- **Promo Code:**

**TOTAL REGISTRATION FEES:**

**METHOD OF REGISTRATION PAYMENT**

- **Credit Card:** Credit cards will be charged immediately. Please fax to the above number for processing.
  - [ ] Amer Express
  - [ ] Visa
  - [ ] MasterCard

- **Card #**

- **Cardholder (please print)**

- **Exp Date (mm/yy)**

- **Security Code**

- **Signature**

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

**REGISTRATION CANCELLATION / REFUND INFORMATION**

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

---

**HOUSING RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS NOVEMBER 4, 2010**

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

- [ ] I do not require a reservation at this time.

**Arrival Date**

**Departure Date**

**Sharing room with:**

**Room type**

- [ ] Single (1 person – 1 bed)
  - $269
- [ ] Double (2 persons – 1 bed)
  - $294
- [ ] DBl/Dbl (2 persons – 2 beds)
  - $294
- [ ] Triple (3 persons – 2 beds)
  - $319
- [ ] Quad (4 persons – 2 beds)
  - $344
- [ ] Government rate
  - Not Available

**Special requests**

- [ ] ADA room required:
  - Audio
  - Visual
  - Mobile
  - Rollaway / crib:
  - Other:

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

**METHOD OF HOUSING PAYMENT**

- Please use the same method of payment as above.

**Credit Card:** Credit Cards will be used to guarantee the reservation.
  - [ ] Amer Express
  - [ ] Visa
  - [ ] MasterCard
  - [ ] Discover

**Card #**

**Cardholder (please print)**

**Exp Date (mm/yy)**

**Security Code**

**Signature**

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

**HOUSING CANCELLATION / REFUND INFORMATION**

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

---

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

**HOUSING CONFIRMATION INFORMATION**

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email, fax, or mail within 72 hours of receipt.
ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

Prefix (required) □ Sen □ Rep □ Del □ Mr □ Mrs □ Ms □ Other

Last Name _______________ First Name _______________ Middle Initial __________ Badge Nickname _______________

Title ____________________________________________

Organization (required) ____________________________________________

Address _________________________________________________________

City __________________________ State/Province ______ Country __________ ZIP/Postal Code ___________

Daytime phone ___________ Fax ___________________ Alternate phone _______________

Email ___________________________ (confirmation will be sent by email)

SPouse / Guest REGISTRATION

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

Last Name _______________ First Name _______________ Middle initial __________ Badge Nickname _______________

Last Name _______________ First Name _______________ Middle initial __________ Badge Nickname _______________

SPOUSE / GUEST REGISTRATION FEES

□ Spouse / Guest, please note name(s) above

Number of Spouse/Guest(s) Early On-Site TOTAL

<table>
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<tr>
<th>Spouse/Guest(s)</th>
<th>Until 11/10</th>
<th>Begin 11/11</th>
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<td>1</td>
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METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT

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

□ American Express

Card # __________________________

□ Visa

Cardholder (please print) __________________________

□ MasterCard

Exp Date (mm/yy) ___________ Security Code __________________________

signature __________________________

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

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

REGISTRATION CONFIRMATION INFORMATION

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

REGISTRATION CANCELLATION / REFUND INFORMATION

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

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

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

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

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

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

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

ALEC Spring Task Force Summit:

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

ALEC Annual Meeting:

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

ALEC States & Nation Policy Summit:

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

ALEC Academies:

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

I. MISSION OF TASK FORCES

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

II. TASK FORCE RESPONSIBILITIES

A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC’s official policy statements and model legislation appropriate to the specific subject areas of the Task Force.

B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC’s state legislator and private sector members.

C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:

- publications that express policy positions, including, but not limited to State Factors and Action Alerts;
- educational communication and correspondence campaigns;
- issue specific briefings, press conferences and press campaigns;
- witness testimony and the activities of policy response teams;
- workshops at ALEC’s conferences; and
- specific focus events.

D. The Executive Director is to Task Forces are responsible for developing an annual budgets, which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.
III. GENERAL PROCEDURES

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

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

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

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

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force
Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

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

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

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

C. The Board of Directors shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.

D. The operating cycle of a Task Force is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.

E. At the ALEC Annual Meeting, each Task Force will be responsible for determining an operating budget for the succeeding calendar year. The Executive Director will notify the Task Force Co-Chairs, at the ALEC Annual Meeting, what inflation factor will be used by the Task Force to determine the operating
and programming budgets. Task Force membership and budget information will be reported to the Executive Director by the Public and Private Sector Task Force Co-Chairs. The Executive Director will present this information to the Board of Directors at its regular fall meeting.

F. If a Task Force is unable to develop an operating budget, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.

G. The Board of Directors shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

**IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES**

A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force’s operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year’s assessment for the Task Force operating budget prior to March 31st, unless an alternative date has been approved by the Executive Director.

B. Each Task Force shall have least two Co-Chairs; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI (B). The Co-Chairs shall be responsible for:

1. calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
2. appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
3. creating subcommittees, and determining each subcommittee’s mission, membership limit, voting rules, deadlines, and term of service; and
selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.

C. Each Task Force shall have an Executive Committee appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).

D. Each Task Force may have any number of subcommittees, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee’s mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.

E. Each Task Force may have advisors, appointed in accordance with Section VI (G). Advisors shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

V. Task Force Budgets

A. Each Task Force shall develop and operate a yearly budget to fund meetings.

B. The operating budget shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a
Task Force’s operating budget at the end of a year are transferred to ALEC’s general membership account.

C. The operating budget shall not be used to cover Task Force meeting expenses associated with alternate task force members’ participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state’s scholarship account.

D. The programming budget shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

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

A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing three legislative members and three alternates to the Task Force who will serve for the current operating cycle, after receiving nominations from ALEC’s Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the appointment cannot be made earlier than thirty days after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.

B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing the Task Force Chair who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but
should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.

C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.

D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current operating cycle. 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 be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.

F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the private sector members of the Task Force Executive Committee, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.
G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as advisors to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.

VII. REMOVAL AND VACANCIES

A. The National Chair may remove any Public Sector Task Force Co-Chair from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.

B. The Public Sector Task Force Co-Chair may remove any legislative member of an Executive Committee or subcommittee from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.

C. The Chairman of the Private Enterprise Board may remove any Private Sector Task Force Co-Chair from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.

D. The Private Sector Task Force Co-Chair may remove any private sector member of an Executive Committee or subcommittee from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.

E. The Public and Private Sector Task Force Co-Chairs may remove an advisor from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.

F. Any member or advisor may resign from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.
G. All vacancies for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

VIII. MEETINGS

A. Task Force meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII(H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. Executive Committee meetings shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.

B. At least forty-five days prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or amendment of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).

C. All Task Force meetings are open to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.

D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the appointment letter sent pursuant to Section VI(D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.
E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of Roberts Rules of Order, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.

F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A vote on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. No proxy, absentee or advance voting is allowed.

G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a Task Force vote by mail or fax any form of electronic communication on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or faxed notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or faxed notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and policy statements be mailed or faxed notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.

H. For purposes of Sections VIII(A), (B) and (G), an emergency situation can be declared by:

1. Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or

2. At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.
I. Ten Task Force members shall constitute a quorum for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

IX. REVIEW AND ADOPTION PROCEDURES

A. All Task Force policy statements, model bills or resolutions shall become ALEC policy either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, a formal review by the Board of Directors. General information about the adoption of a policy position may be announced upon adoption by the Task Force.

B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.

C. A member of the Board of Directors may request a formal review by the Board of Directors. The request must be in writing and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.

D. The review process will consist of key members of the Task Force, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:

- Notification of Committee: Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces’ model bills or resolutions.

- Staff Analysis: Will be prepared in a neutral fashion. The analyses will include:
  - History of Task Force action
  - Previous ALEC official action/resolutions
  - Issue before the board
  - Proponents arguments
Opponents arguments

- **Standardized Review Format**: To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
  - Task Force Chair(s) will be invited to attend the Board Review.
  - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
  - Twenty minutes that is equally divided will be given for both sides to present before the Board.
  - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
  - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.
  - All votes will be recorded for the official record.

- **Notification of Committee**: The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

**E. The Board of Directors can:**

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

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

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

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.
RESOLUTION TO RETAIN STATE SOVEREIGNTY OVER INTRASTATE WATER RESOURCES

WHEREAS, the 10th Amendment of the United States Constitution preserves powers not delegated to the federal government for the states, establishing federalism and state sovereignty as integral founding principles of American government; and

WHEREAS, the United States Supreme Court in Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers (2001) and Rapanos v. United States (2006) held that the Federal Water Pollution Control Act (The Clean Water Act) did not intend to grant federal authority over intrastate waters, and that these waters were not subject to regulation under the interstate commerce clause of the United States Constitution; and

WHEREAS, Senate Bill 787 and House Bill 5088 (2009) would expand the Clean Water Act’s jurisdiction from “navigable waters of the United States” to “waters of the United States,” and define “waters of the United States” to mean “all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds;” and

WHEREAS, this definition grants the United States Environmental Protection Agency broad and vague flexibility to interpret federal jurisdiction expansively, which they attempted to do under the current law and with which the Supreme Court disagreed; and

WHEREAS, these bills represent a clear attempt by the federal government to deprive states of their jurisdiction over intrastate waters and place all water resources under the control of the federal government; and

WHEREAS, this would severely diminish state sovereignty over its natural resources, and it would detrimentally involve the federal government in an inefficient and cumbersome effort to regulate highly localized water resources such as abandoned pits and ponds; and

WHEREAS, jurisdiction over intrastate water resources is a role traditionally held by individual state governments in order to promote efficient and effective usage;

THEREFORE BE IT RESOLVED THAT:

{insert state} supports the continued sovereignty and jurisdiction of the states to regulate intrastate water resources and opposes any attempt by the federal government to diminish this jurisdiction unnecessarily.
RESOLUTION ON BEST AVAILABLE CONTROL TECHNOLOGY FOR COAL-BASED ELECTRIC GENERATION

WHEREAS, the United States Environmental Protection Agency (EPA) will shortly begin regulating greenhouse gas emissions under the federal Clean Air Act; and

WHEREAS, as a result of EPA's action, major new sources of electric generation will be mandated to obtain Prevention of Significant Deterioration (PSD) permits setting forth Best Available Control Technology requirements for greenhouse gases; and

WHEREAS, major uncertainty exists because trial technologies, such as carbon capture and sequestration or integrated gasification combined cycle power plants, which hold significant prospect to reduce greenhouse gas emissions, are still years away from being proven to be economically practicable or commercially available; and

WHEREAS, this uncertainty could paralyze the long-term planning and development of new electric generating units in the state at a time when the economy faces a critical void in the coming years of the electric power needed to support economic recovery and growth; and

WHEREAS, highly efficient power technologies, such as super-critical and ultra super-critical coal-fired electric generating units, represent a significant advancement over earlier generation coal units in terms of efficient use of coal and in reductions of emissions, and are compatible with carbon capture and sequestration systems when they become commercially viable, which will lead to even further greenhouse gas reductions; and

WHEREAS, these super-critical technologies are already demonstrated to serve the dual purpose of reducing the overall emissions profile of the electricity generation unit while providing efficient, affordable, and available power today and into the future; and

WHEREAS, it is in the state's interest to support the use of these advanced and available technologies that take advantage of existing coal reserves to offer the state significant environmental and economic advantages, rather than delay development of critically needed baseload electricity supply or resort fully to less efficient or more expensive technologies;

NOW THEREFORE BE IT RESOLVED that the members of the legislature of {insert state} hereby urge the {insert state department}, in issuing PSD permits for new conventional coal-fueled electric generating units, and consistent with otherwise applicable law, to fully consider:

(1) The need to act expeditiously in accordance with the state's need to develop new electric generation; and
(2) The use of commercially available technologies that are designed to be as efficient as is economically practicable, including advanced super-critical pulverized coal, ultra super-critical pulverized coal, and that are designed to be carbon capture and sequestration-compatible, as potential Best Available Control Technology; and

BE IT FURTHER RESOLVED that this resolution does not amend any state law to which the {insert state department} is subject in the PSD process, and shall be interpreted to be consistent with any requirements of such state or federal law.
AGRICULTURAL SUSTAINABILITY ACT

Summary: The Agricultural Sustainability Act is intended to serve as a model for states in defining sustainable agriculture in legislation or regulations. The definition recognizes the social, economic, environmental and long term benefits of modern agriculture production technologies.

Sustainability: For purposes of this sections, references to “sustainable,” “sustainable agriculture,” “sustainability” or “sustainability grown” include science-based practices supported by research, including the use of technology, demonstrated to lead to broad outcomes-based improvements to meet the needs of the present and improve the ability for future generations to meet their own needs, while advancing progress toward environmental, social, and economic goals and the well-being of agricultural producers and rural communities. Utilizing continuous improvement principles, critical outcomes to consider include increasing agricultural productivity; improving human health through access to safe, nutritious and affordable food; and enhancing agricultural and surrounding environments, including water, soil and air quality, biodiversity and habitat preservation.
THE CAPITAL RECOVERY FOR CLEAN ENERGY GENERATING PLANTS ACT

Summary: The purpose of this legislation is to provide for the recovery of prudently incurred costs associated with new clean energy generation facilities, while at the same time protecting customers of investor-owned electric utilities from responsibility for imprudent financial obligations or costs.

The legislation defines clean energy generating facility as any new electric generating station designed to avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases, including but not limited to nuclear energy, wind energy, solar energy, biomass and geothermal energy.

The legislation authorizes a state public service commission to approve development and construction of a new clean energy generating plant in two distinct steps:

- On application by a company, a public service commission may issue a clean energy project development order, which establishes the prudence of a utility’s decision to incur preconstruction costs associated with a clean energy plant. A clean energy project development order allows a utility to recover all preconstruction costs, absent a specific finding of imprudence.

- On application by a company, a public service commission may issue a clean energy project construction order, which establishes that, if a plant is constructed in accordance with an approved construction schedule, approved capital cost estimates, and approved projections of in-service expenses, the plant is considered to be used and useful for utility purposes such that its capital costs are prudent utility costs and can be included in rates. During construction, the company may recover through revised rates its weighted average cost of capital applied to construction work in progress.

If the company decides to abandon a project after issuance of a clean energy project development order or a clean energy project construction order, preconstruction costs and capital costs related to that project may be recovered, although the utility will bear the burden of proving that the decision to abandon the plant was prudent. Recovery of capital costs and the utility’s cost of capital associated with them may be disallowed only to the extent that the failure by the utility to anticipate or avoid the allegedly imprudent costs was imprudent, considering the information available to the utility at the time.

The legislation includes substantial protections for consumers, including provisions for the Office of Regulatory Staff to review and audit revised rates and the information supporting them, and propose changes for the commission’s consideration.
THE CAPITAL RECOVERY FOR CLEAN ENERGY GENERATING PLANTS ACT

Section I. Purpose and findings
A) The purpose of this Act is to provide for the recovery of the prudently incurred costs associated with new clean energy generation plants when constructed by investor-owned electrical utilities, while at the same time protecting customers of investor-owned electrical utilities from responsibility for imprudent financial obligations or costs.

The Legislature finds that it is the policy of the State to:

1. Promote and foster the prudent construction of clean energy generating capacity by electric utilities;
2. Take advantage of advances in clean energy technology to avoid or reduce regulated air emissions, including sulfur dioxide, nitrogen oxides and carbon dioxide;
3. Protect the economic interests of the ratepayers of the State by providing stable and predictable rates associated with construction of electric generating facilities employing clean energy technology, through a predetermination of need as indicated by the utility’s integrated resource planning process and prudence, and assurance of recovery of pre-construction and construction costs for those facilities.

Section II. Definitions
A) The following terms, when used in this Act, shall have the following definitions, unless another meaning is clearly apparent from the context:

1. “AFUDC” means the allowance for funds used during construction of a plant calculated according to regulatory accounting principles.
2. “Clean energy generating plant,” “plant,” “clean energy generating facility,” or “facility” means a new electric generating station that will use electric generation technology designed to avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases, including but not limited to nuclear energy, wind energy, solar energy, biomass and geothermal energy.
3. “Clean energy project construction application” or “application” means an application for the construction of a clean energy generation plant under the terms of this Act.
4. “Clean energy project construction order” means an order issued by the Public Service Commission establishing that, if a plant is constructed in accordance with an approved construction schedule, approved capital cost estimates, and approved projections of in-service expenses, as defined herein, the plant is considered to be used and useful for utility purposes such that its capital costs are prudent utility costs and are properly included in rates.
5. “Capital costs” or “plant capital costs” means costs associated with the design, siting, selection, acquisition, licensing, construction, testing, and placing into
service of a clean energy generating plant, and capital costs incurred to expand or upgrade the transmission grid in order to connect the plant to the transmission grid, and includes costs that may be properly considered capital costs associated with a plant under generally accepted principles of regulatory or financial accounting, and specifically includes AFUDC associated with a plant and capital costs associated with facilities, project contingency reserves or investments for the transportation, delivery, storage, and handling of fuel.

6. “Commission” means the state Public Service Commission.

7. “Construction work in progress” means capital costs as defined above associated with a clean energy generating plant which have been incurred but have not been included in the utility’s plant-in-service.

8. “General rate proceeding” means a rate case proceeding and other applicable provisions for the establishment of new electric rates and charges, and where orders in general rate proceedings are referenced in this Act, these orders include rate orders issued in proceedings under this Act.

9. “In-service expenses” means reasonably projected expenses recognized under generally accepted principles of regulatory and financial accounting as a result of a clean energy generating plant commencing commercial operation, including:
   a. expenses associated with operating and maintaining a plant, as well as taxes and governmental charges applicable to the plant, including taxes other than income taxes;
   b. depreciation and amortization expenses related to the plant;
   c. revenue requirements related to the utility’s cost of capital applied to the investment in supplies, inventories, and working capital associated with the plant; and
   d. other costs determined by the commission to be appropriate for ratemaking purposes. In-service expenses include, but are not limited to, labor, supplies, insurance, general and administrative expenses, and the cost of outside services, but do not include costs recovered as fuel costs through other rate provisions.

10. “Person” means any individual, group, firm, partnership, or corporation.

11. “Preconstruction costs” means all costs associated with a potential plant incurred before issuance of a final state certificate including, without limitation, the costs of evaluation, design, engineering, environmental and geotechnical analysis and permitting, contracting, other required permitting including early site permitting and combined operating license permitting, initial site preparation costs and related consulting and professional costs, and use of project contingency reserves associated with these activities, and shall include AFUDC associated with those costs. For potential plants located in other states, the costs must be those incurred before issuance of a certificate by the host state under comparable statutes.

12. “Proceeding” means the proceeding to consider an application pursuant to this Act.
13. “Office of Regulatory Staff” is a state government entity responsible for auditing public utilities in the state and represents the public interest in matters before the Public Service Commission.

14. “Clean energy project development application” means an application for a clean energy project development order.

15. “Clean energy project development order” means an order establishing the prudence of a utility’s decision to incur preconstruction costs associated with a clean energy plant.

16. “Return on equity” means the return on common equity established in the clean energy project construction order for a plant. A project-specific return on equity set hereunder shall apply exclusively to the establishment of the weighted average cost of capital under this Act and shall not be used for reporting or any other purpose.

17. “Revised rates” means a revised schedule of electric rates and charges reflecting a change to the utility’s then current nonfuel rates and charges to add incremental revenue requirements related to a clean energy plant as authorized in this Act. For a plant under construction, until it enters commercial operation the rate adjustments related to the plant shall include recovery of the weighted average cost of capital applied to the outstanding balance of capital costs of that plant only and shall not include depreciation or other items constituting a return of capital to the utility. In lieu of revised rates, a rider may be used to streamline the ratemaking process and to provide additional certainty to the project developer.

18. “Revised rates order” means an order issued by the commission approving, modifying, or denying the utility’s request to charge revised rates under this Act, which revised rates order an aggrieved party may contest in an adversarial hearing before the commission.

19. “Revised rates proceedings” means all proceedings to consider an application for revised rates or review of a revised rates order.

20. “Utility” means a person owning or operating equipment or facilities for generating, transmitting, or delivering electricity to state retail customers for compensation but it shall not include a person furnishing electricity only to himself, itself, its residents, employees, or tenants when the electricity is not resold or used by others.

21. “Weighted average cost of capital” or “cost of capital” means the average cost of debt and equity capital for the project:
   a. incorporating the allowed return on equity for the project;
   b. incorporating the project’s weighted average cost of debt;
   c. weighting (a) and (b) according to the project’s capital structure for ratemaking purposes, as established in the order and
   d. adjusting the result for the effect of income taxes.

Section III. Clean Energy Project Development
A) The provisions of this Section apply to the preconstruction costs of a clean energy generating facility.

B) At any time before the filing of an application under this Act related to a specific plant, a utility may file a clean energy project development application with the commission.

C) In a clean energy project development application, the utility shall:
   1. describe the plant being considered and shall designate:
      a) the anticipated generation capacity (or range of capacity) of the plant; and
      b) the projected annual capacity factors or range of factors of the plant;
   2. provide information establishing the need for the generation capacity represented by the potential plant and the need for generation assets with the indicative annual capacity factors of the potential plant;
   3. provide information establishing the reasonableness and prudence of the potential fuel sources and potential generation types that the utility is considering for the plant; and
   4. provide such other information as may be required to establish that the decision to incur preconstruction costs related to the potential plant is prudent (as indicated by the utility’s integrated resource plan) considering the information known to the utility at the time and considering the other alternatives available to the utility for supplying its generation needs.

D) The commission shall issue a clean energy project development order affirming the prudency of the utility’s decision to incur preconstruction costs for the plant specified in the application if the utility demonstrates by a preponderance of evidence that the decision to incur preconstruction costs for the plant is prudent. In issuing its clean energy project development order, the commission may not rule on the prudency or recoverability of specific items of cost, but shall rule instead on the prudency of the decision to incur preconstruction costs for the plant based on the utility’s integrated resource plan.

E) Unless the record in a subsequent proceeding shows that individual items of cost were imprudently incurred, or that other decisions subsequent to the issuance of a project development order were imprudently made considering the information available to the utility at the time they were made, then all the preconstruction costs incurred for the potential plant must be properly included in the utility’s plant-in-service and must be recoverable fully through rates in future proceedings under this Act.

F) To the extent that a party in a general rate proceeding or revised rates proceeding establishes the imprudence of specific items of cost or of specific decisions made subsequent to the issuance of a clean energy project development order, then the commission may disallow the resulting costs but only to the extent that a prudent utility would have avoided those costs considering the information available to
the utility at the time when they were incurred or the decisions at issue were made.

G) If the utility decides to abandon the project after issuance of a prudence determination under this Section, then the preconstruction costs related to that project may be deferred, with AFUDC being calculated on the balance, and may be included in rates in the utility’s next general rate proceeding or revised rates proceeding, provided that as to the decision to abandon the plant, the utility shall bear the burden of proving by a preponderance of the evidence that the decision was prudent. Recovery of capital costs and the utility’s cost of capital associated with them may be disallowed only to the extent that the failure by the utility to anticipate or avoid the allegedly imprudent costs, or to minimize the magnitude of the costs, was imprudent considering the information available at the time that the utility could have acted to avoid or minimize the costs. Pending an order in the general rate proceeding or revised rates proceeding, the utility, at its discretion, may commence to amortize to cost of service the balance of the preconstruction costs related to the abandoned project over a period equal to the period during which the costs were incurred, or five years, whichever is greater.

H) Prudence determinations may not be challenged or reopened in any subsequent proceeding and other applicable provisions of this Act.

I) At any time after an initial clean energy project development order has been issued, a utility may file an amended clean energy project development application seeking a determination of the prudence of the utility’s decision to continue to incur preconstruction costs considering changed circumstances or changes in the type or location of the clean energy generating plant that the utility is pursuing or considering other characteristics or decisions related to the plant. The amended clean energy project development application must be considered in a separate docket; however, the testimony and other evidence of the prior docket must be considered to be part of the new docket.

J) The commission shall enter an order granting or denying a clean energy project development order or amended clean energy project development order within six months of the filing of the application. If the commission fails to issue an order within the period prescribed in this Section, a party may move that the commission issue an order granting or denying the application. If the commission fails to issue an order within ten days after the motion is served, the application will be considered granted.

Section IV. Office of Regulatory Staff

A) Any utility proposing to construct a plant, individually or jointly with other parties, may elect to come under the terms of this Act by filing an application with the commission, and by serving a copy of that application on the Office of Regulatory Staff.

B) An application may be combined with a general rate proceeding application at the utility’s option.
C) The Office of Regulatory Staff shall safeguard the public interest in all matters arising under this Act. It shall have full audit rights related to all matters arising under this Act and shall review the reasonableness and necessity of all costs to be recovered under this Act.

Section V. Proceedings

A) Except as otherwise specified in this Act, all procedural requirements that apply to general rate proceedings by law or regulation shall apply to proceedings, to revised rates proceedings, and to the judicial review of orders issued under this Act. The requirements related to the form and content of applications in general rate proceedings, however, only shall apply to proceedings which include an application for new electric rates.

B) In proceedings to review revised rates orders, no further notice to the public, customers, and others is required additional to that provided upon filing of the proceeding. In proceedings to review revised rates orders, the utility’s revised rates filing shall serve as the application and the utility must be considered to be the applicant.

C) In proceedings, the utility shall have the burden of proving that the decision to build the plant was prudent (as demonstrated by the results of the utility’s integrated resource planning process), and shall have the burden of proof as to all matters on which the commission is required to enter findings under Section VII of this Act. Without in any way limiting the conclusive effect of determinations under Sections III and VIII of this Act, in cases where this statute allows a party to challenge the prudency of any transaction, cost, or decision of the utility, that party shall be required to make a prima facie case establishing imprudence, and thereafter the burden of proof shall shift to the utility to demonstrate the prudence of the transaction cost or decision by a preponderance of the evidence.

D) When the proposed changes relate to rates or tariffs, the commission must rule and issue its order approving or disapproving the changes within nine months after the date the schedule is filed.

Section VI. Applications

A) The application for a clean energy project construction order under this Act shall include as a minimum:

1. information showing the anticipated construction schedule for the plant;

2. information showing the anticipated components of capital costs and the anticipated schedule for incurring them;

3. information showing the projected effect of investment in the plant on the utility’s overall revenue requirement for each year during the construction period;

4. information identifying:
   a) the specific type of generating technology selected for the plant;
   b) the suppliers of the major components of the plant; and
c) the basis for selecting the generating technology, major components, and suppliers;

5. information detailing the qualification and selection of principal contractors and suppliers, other than those listed in item (4)(c) above, for construction of the plant;

6. information showing the anticipated in-service expenses associated with the plant for the twelve months following commencement of commercial operation adjusted to normalize any atypical or abnormal expense levels anticipated during that period;

7. information required by Section II of this Act;

8. information identifying risk factors related to the construction and operation of the plant;

9. information identifying the proposed rate design and class allocation factors to be used in formulating revised rates;

10. information identifying the return on equity proposed by the utility pursuant to Section II; and

11. the revised rates, if any are requested, that the utility intends to put in place after issuance of the resulting clean energy project construction order.

Section VII. Clean Energy Project Construction Orders

A) After the hearing, the commission shall issue a clean energy project construction order approving rate recovery for plant capital costs if it determines that the utility’s decision to proceed with construction of the plant is prudent and reasonable considering the information available to the utility at the time.

B) The clean energy project construction order shall establish:

1. the anticipated construction schedule for the plant including contingencies;

2. the anticipated components of capital costs and the anticipated schedule for incurring them, including specified contingencies;

3. the return on equity established in conformity with Section II of this Act;

4. the choice of the specific technology and major components of the plant;

5. the qualification and selection of principal contractors and suppliers for construction of the plant; and

6. the inflation indices used by the utility for costs of plant construction, covering major cost components or groups of related cost components. Each utility shall provide its own indices, including: the source of the data for each index, if the source is external to the company, or the methodology for each index which is compiled from internal utility data, the method of computation of inflation from each index, a calculated overall weighted index for capital costs, and a five-year history of each index on an annual basis.
C) If revised rates are requested, the clean energy project construction order shall specify initial revised rates reflecting the utility’s current investment in the plant which must be determined using the standards set forth in Section X of this Act and implemented according to Section X of this Act.

D) The clean energy project construction order shall establish the rate design and class allocation factors to be used in calculating revised rates related to the plant.

E) As circumstances warrant, the utility may petition the commission, with notice to the Office of Regulatory Staff, for an order modifying any of the schedules, estimates, findings, class allocation factors, rate designs, or conditions that form part of any clean energy project construction order issued under this Section. The commission shall grant the relief requested if, after a hearing, the commission finds:

1. as to the changes in the schedules, estimates, findings, or conditions, that the evidence of record justifies a finding that the changes are not the result of imprudence on the part of the utility; and
2. as to the changes in the class allocation factors or rate designs, that the evidence of record indicates the proposed class allocation factors or rate designs are just and reasonable.

F) The commission shall consider a request under Section VII(e) of this Act in a new docket which, pursuant to Section V of this Act, must be subject to the requirement that the relief requested in this Act is considered granted if not denied by order within six months of the date of filing. If the commission fails to issue an order within the period prescribed in this Section, a party may move that the commission issue an order granting or denying the application. If the commission fails to issue an order within ten days after the motion is served, the application will be considered granted.

G) The commission promptly shall schedule a hearing to consider any settlement agreement entered into between the Office of Regulatory Staff, as the party representing the public interest in the proceedings, and the utility applicant, provided that all parties shall have been given a reasonable opportunity to conduct discovery in the docket by the time the hearing is held. The commission may accept the settlement agreement as disposing of the matter, and issue an order adopting its terms, if it determines that the terms of the settlement agreement comport with the terms of this Act.

Section VIII. Final Determinations

A) A clean energy project construction order shall constitute a final and binding determination that a plant is used and useful for utility purposes, and that its capital costs are prudent utility costs and expenses and are properly included in rates so long as the plant is constructed or is being constructed within the parameters of:

1. the approved construction schedule, including contingencies; and
2. the approved capital costs estimates, including specified contingencies.
B) Determinations under this Section may not be challenged or reopened in any subsequent proceeding, including general rate and tariff case proceedings and other applicable provisions, and Section X and other applicable provisions of this Act.

C) So long as the plant is constructed or being constructed in accordance with the approved schedules, estimates, and projections set forth in Section VII, as adjusted by the inflation indices set forth therein, the utility must be allowed to recover its capital costs related to the plant through revised rate filings or general rate proceedings.

D) Changes in fuel costs will not be considered in conducting any evaluation under this Section.

E) In cases where a party proves by a preponderance of the evidence that there has been a material and adverse deviation from the approved schedules, estimates, and projections set forth in Section VII, as adjusted by the inflation indices set forth therein, the commission may disallow the additional capital costs that result from the deviation, but only to the extent that the failure by the utility to anticipate or avoid the deviation, or to minimize the resulting expense, was imprudent considering the information available at the time that the utility could have acted to avoid the deviation or minimize its effect.

Section IX. Reports

A) After issuance of a clean energy project construction order approving rate recovery for capital costs related to the plant, the utility will file reports with the Office of Regulatory Staff quarterly until the plant begins commercial operation. These reports must be filed no later than forty-five (45) days after the close of a quarter, shall not be combined with any other filing, and shall contain the following information:

1. the progress of construction of the plant;
2. updated construction schedules;
3. schedules of the capital costs incurred including updates to the information required by Section VII;
4. updated schedules of the anticipated capital costs; and
5. other information as the Office of Regulatory Staff may require.

B) The Office of Regulatory Staff shall conduct on-going monitoring of the construction of the plant and expenditure of capital through review and audit of the quarterly reports under this Act, and shall have the right to inspect the books and records regarding the plant and the physical progress of construction upon reasonable notice to the utility.

Section X. Revising Rates

A) No earlier than one year after filing the application, and no more frequently than annually thereafter, the utility may file with the commission and serve on the Office of Regulatory Staff requests for the approval of revised rates subsequent to those approved in the clean energy project construction order.
B) A utility must be allowed to recover through revised rates its weighted average cost of capital applied to all or, at the utility’s option, part of the outstanding balance of construction work in progress, calculated as of a date specified in the filing. A utility must also be allowed to recover through revised rates the capital associated with all, or at the utility’s discretion, part of the outstanding balance of preconstruction capital costs that have been incurred prior to issuance of a final state certificate. Any construction work in progress or preconstruction capital costs not included in any specific filing for revised rates shall continue to earn AFUDC and may be included in rates through future filings. The revised rates filing shall include the most recent monitoring report filed under Section IX of this Act updated to reflect information current as of the date specified in the filing.

C) Written comments to the commission and the Office of Regulatory Staff concerning the revised rates and the information supporting them shall be allowed within one month of the revised rates filing.

D) The Office of Regulatory Staff shall review and audit the revised rates and the information supporting them to determine their compliance with the terms of this Act. No later than two months after the date of the revised rates filing, the Office of Regulatory Staff shall serve on the commission and all intervenors and parties of record a report indicating the results of its review and audit and proposing any changes to the revised rates or the information supporting them that the Office of Regulatory Staff determines to be necessary to comply with the terms of this Act.

E) Written comments related to the report may be filed with the commission within one month from the date of the filing of the report. Comments must be served on the Office of Regulatory Staff and simultaneously mailed or electronically transmitted to the utility and to all intervenors and parties of record who previously appeared and filed comments. The Office of Regulatory Staff may revise its report considering comments filed.

F) No later than four months after the date of the revised rates filing, the commission shall issue a revised rates order granting, modifying, or denying revised rates as filed by the utility. In the absence of such a revised rates order, the revised rates shall be considered to be approved as filed. If the commission fails to issue an order within the period prescribed in this Section, a party may move that the commission issue an order granting or denying the application. If the commission fails to issue an order within ten days after the motion is served, the application will be considered granted.

G) Where both Office of Regulatory Staff and the utility agree in writing on the revised rates to be implemented, the commission shall give substantial weight to the agreement in issuing its revised rates order.

H) If the utility is granted a rate increase in the revised rates order, the utility shall provide notice to its customers with the next billing. The utility may implement revised rates for bills rendered on or after a date selected by the utility, which may not be sooner than thirty days after revised rates are approved.
I) Upon implementation of revised rates under this Act, the utility will cease to accrue AFUDC on that component of its construction work in progress on which it is recovering its weighted average cost of capital through revised rates.

J) Other provisions of this Act notwithstanding:

1. The utility may file a final set of revised rates for a plant to go into effect upon commercial operation of the plant, the filing to be made no sooner than seven months before the projected date that the plant is to commence commercial operations. In the final revised rates the utility may include recovery of the weighted average cost of capital applied to all or part of the capital costs associated with the plant. In all cases, the decision to seek recovery in revised rates of less than the full amount of its cost must be at the utility’s sole discretion. Rate adjustments to reflect the revenue requirements related to in-service expenses must be included in the final revised rates and shall be based on the utility’s most current budget estimates of those expenses for the succeeding twelve-month period at the time the final revised rates are filed or actual expenses, if available.

2. If the commission rejects a revised rate filing on grounds that may be corrected in a subsequent filing, or if the utility withdraws a revised rate filing before a revised rates order is issued, the utility may file a subsequent request for revised rates at any time thereafter.

3. The utility may seek to recover any capital costs, in-service expenses, or other costs not included in revised rates through future general rate proceedings.

K) Where a plant is abandoned after a clean energy project construction order approving rate recovery has been issued, the capital costs and AFUDC related to the plant shall nonetheless be recoverable under this Act provided that the utility shall bear the burden of proving by a preponderance of the evidence that the decision to abandon construction of the plant was prudent. Without limiting the effect of Section VIII, recovery of capital costs and the utility’s cost of capital associated with them may be disallowed only to the extent that the failure by the utility to anticipate or avoid the allegedly imprudent costs, or to minimize the magnitude of the costs, was imprudent considering the information available at the time that the utility could have acted to avoid or minimize the costs. The commission shall order the amortization and recovery through rates of the investment in the abandoned plant as part of an order adjusting rates under this Act.

L) After completion of a plant that is subject to a clean energy project construction order, the Office of Regulatory Staff shall conduct an audit of the utility revenues, expenses, and rates consistent with the audits conducted of filings for new electric rates. The audit must be based on a twelve-month test period ending no later than December thirty-first of the calendar year following the year in which the plant entered commercial operation and must be filed with all parties to the proceeding within four months of the conclusion of the test period.
Section XI. Interventions

A) Within thirty days of the issuance of a revised rates order pursuant to Section X of this Act, or within thirty days of the failure by the commission to issue a revised rates order as required pursuant to Section X of this Act, any aggrieved party may petition the commission for review of the revised rates order or of the failure to issue a revised rates order.

B) The Office of Regulatory Staff and the utility must be automatic parties to any proceedings under this Section.

C) In filing for intervention under this Section, intervenors shall identify with particularity the specific issues they intend to raise with regard to the revised rates order.

D) The party seeking review of the revised rates order shall serve a copy of such petition on the Office of Regulatory Staff and the utility on the same day and by the same means as it is provided to the commission.

E) Any filing under this Section must be considered a new proceeding subject to the provisions of Section V. The commission shall open a single new docket for all filings related to any one set of revised rates filed under this Act.

Section XII. Petitions for Review

A) The commission shall issue its order ruling upon a petition for review of a revised rates order within six months. If the petition for review has been resolved among the parties by settlement agreement, the commission shall consider and accept or reject any settlement agreement entered into by the parties within forty-five days. If a settlement agreement is reached between some but not all parties, then the settlement agreement, if approved by the commission, must be deemed to dispose of any issues resolved in it that have not been raised by other parties to the proceeding pursuant to Section XI.

B) Proceedings pursuant to Section XI are limited to issues related to whether the revised rates filed by the utility comply with the terms of the commission order issued pursuant to Section VII and with the specific requirements of Section X.

C) In proceedings pursuant to Section XI, the commission shall allow limited discovery, and restrict the issues for discovery and hearing to whether the revised rates comply with the terms of the commission order issued pursuant to Section VII and compliance with the specific requirements of Section X.

D) The commission shall issue such motions to strike, protective orders, motions to quash, motions for costs and sanctions, and other rulings as are necessary to enforce the terms of this limitation.

E) The commission shall dismiss as a party any intervenor who, after notice, fails to abide by the limitations contained in this Section.

F) The failure of the commission to enforce the terms of this Section may be remedied by petition for writ of mandamus or supersedeas in the state court, which petition the court shall advance over all other matters on its docket and hear
on an emergency basis, without the requirement of a formal answer or other
return, such hearing to be held as soon as practicable upon twenty-four hours
notice to the party against whom relief is sought. Proceedings related to the
petitions may not serve to stay or delay proceedings before the commission.

G) The commission shall issue a final order that:

1) sets forth any changes that are required to the rates approved in the revised
   rates order;

2) determines the amount of any overcollection or undercollection of the
   revenues by the utility that resulted from application of the rates
   authorized in the revised rates order as compared to the rates authorized in
   the final order issued under this Section; and

3) establishes a credit to refund the amount of an overcollection or a
   surcharge to collect the amount of an undercollection of revenues that
   arose during the time that the rates approved in the revised rates order, or
   imposed due to a failure of the commission to issue a revised rates order,
   were applicable and requires the utility to apply the credit or surcharge
   until such time as the overcollection or undercollection is exhausted.

H) If the final order increases the amount of capital costs for which the utility may
   recover its weighted average cost of capital through revised rates, the AFUDC
   booked on those capital costs between the issuance of the revised rates order and
   the final order shall remain on the books of the utility and shall not be reversed or
   adjusted. Surcharges related to undercollection of costs must be calculated
   without consideration of AFUDC amounts recognized on the capital costs during
   this period.

I) If the final order reduces the amount of capital cost for which the utility may
   recover its weighted average cost of capital through revised rates for reasons other
   than the conclusive finding that the capital costs were imprudently incurred, then
   the utility may resume accrual of AFUDC on any capital costs that were not
   included in rate recovery and may book an amount of AFUDC equal to the
   AFUDC not recognized during the time the rates approved in the revised rates
   order were in effect.

Section XIII. Reapplication

The denial of a clean energy project development application, or clean energy project
construction application, under this Act shall not preclude the utility from filing a new or
amended clean energy project development application or clean energy project
construction application at any time. A utility may proceed to construct a plant even if
assurance of prudency or cost recovery under this Act is not sought or is denied, and the
failure to seek or obtain such an assurance may not be used as evidence or precedent in
any future proceeding.