

**RESOLUTION COMMENDING**

**THE NATIONAL CONFERENCE OF STATE LEGISLATURES**

**ON 40 YEARS OF SERVICE TO THE STATES**

**WHEREAS**, the National Conference of State Legislatures (NCSL) was created on January 1, 1975 to serve as a champion for state legislatures; and

**WHEREAS**, NCSL is committed to the success of all legislators and staff by improving the quality and effectiveness of state legislatures, promoting policy innovation and communication among state legislatures, and ensuring that state legislatures have a strong, cohesive voice in the federal system; and

**WHEREAS**, NCSL has helped states remain strong and independent by giving them the tools, information and resources to craft the best solutions to difficult problems; and

**WHEREAS**, NCSL has served as a stalwart defender of the states against unwarranted federal preemption of state laws, unfunded mandates and federal legislation that threatens state authority and autonomy; and

**WHEREAS**, NCSL serves as an effective partner to sister state and local government associations in the creation of innovative policy programming and the defense of states' rights; and

**WHEREAS**, The Council of State Governments values its partnership with NCSL and remains committed to working with NCSL to advance the interests of the states; and

**NOW THEREFORE BE IT RESOLVED**, that The Council of State Governments commends the National Conference of State Legislatures on 40 years of exceptional service to the states; and

**BE IT FURTHER RESOLVED**, that The Council of State Governments celebrates the tireless efforts of the National Conference of State Legislatures' leaders, members, management and staff in advancing and sustaining the role of the states in our federal system.

Adopted this 13<sup>th</sup> Day of August, 2014 at the CSG National Conference in Anchorage, Alaska.

## RESOLUTION CONCERNING U.S. EPA PROPOSED GREENHOUSE GAS REGULATIONS FOR EXISTING FOSSIL-FUELED POWER PLANTS

**WHEREAS**, states believe that electricity affects all aspects of American life and is indispensable for quality of life, economic growth, and the sustainability of modern society; and

**WHEREAS**, electricity will only become more important in the future as the demand for electricity continues to increase; and

**WHEREAS**, President Obama issued a June 25, 2013 memorandum directing the U.S. (EPA) to issue proposed carbon pollution standards, regulations or guidelines, as appropriate, for modified, reconstructed and existing power plants by no later than June 1, 2014 and to issue final standards, regulations or guidelines, as appropriate, by June 1, 2015; and

**WHEREAS**, the United States Constitution calls for the federal government to respect and preserve state sovereignty; and

**WHEREAS**, the regulation of retail electricity sales and local distribution is a sovereign state function and each state has the responsibility to ensure a reliable and affordable supply of electricity for their citizens; and

**WHEREAS**, economic output of states has increased while states have managed electricity generation, distribution and transmission to cost-effectively reduce greenhouse gas emissions according to the U.S. EPA using multiple methodologies; and

**WHEREAS**, the president directed the U.S. EPA to engage the states recognizing, “they will play a central role in establishing and implementing standards for existing power plants;” and

**WHEREAS**, at the invitation of U.S. EPA, elected legislative bodies and individual elected officials, policymakers, and stakeholders provided input to the U.S. EPA recommending U.S. EPA only provide guidelines on achievable carbon dioxide emission reduction measures states could take at affected coal-fired electric generating units and giving states credit for all previous actions to reduce their emissions so states could make decisions on additional generation and end-use efficiency measures if

necessary as provided by the Clean Air Act Section 111d and its 40 CFR 60 implementing regulations;  
and

**WHEREAS**, the U.S. EPA published proposed emission reduction regulations for existing fossil-fueled power plants in June 2014 requiring state-specific plans to further reduce emissions that the U.S. EPA acknowledges will cause significant and rapid changes in states' energy mixes including almost 50 gigawatts of retirements of baseload coal generation between 2016 and 2020 in addition to the 71 gigawatts retired between 2010 and 2020, increases in the price of electricity and significant numbers of jobs to be lost with less than 24-month timeline for states to comply by 2020 after U.S. EPA approves state plans; and

**WHEREAS**, states likely will be challenged to implement real-world efficiency improvements at affected units and end uses by consumers, renewable and nuclear energy deployments, natural gas electricity capacity factors at levels determined by U.S. EPA and could be forced to retire additional units in order to comply with emission reduction goals and timeline U.S. EPA has set for them; and

**WHEREAS**, states simultaneously support reasonable environmental protection with assured energy security, production, distribution, efficiency and economic growth in the United States but they find that the U.S. EPA plans would transform their electricity generation and delivery systems with risks to power 60 million homes, their citizens, communities, businesses, and agriculture; and

**NOW, THEREFORE BE IT RESOLVED**, that The Council of State Governments urges the executive branch and Congress to establish a national energy policy that encourages access to and removal of impediments to all available domestic sources of energy; and

**BE IT FURTHER RESOLVED**, that The Council of State Governments encourages the U.S. EPA to recognize the sovereign power of state regulators to avoid costly litigation; and

**BE IT FURTHER RESOLVED**, that The Council of State Governments recommends state policymakers work closely with their environmental commissioners, informed by electricity providers and other stakeholders, this resolution and the states' previous recommendations, to develop comments and where appropriate comments with other states addressing the legal, economic, employment, timing, achievability, affordability, implementation scheduling and reliability issues in the proposed regulations for their state and file them by U.S. EPA's comment deadline and to stay engaged with U.S. EPA and other relevant federal agencies after the comment period ends and the regulation is finalized to eliminate or minimize the risks and consequences from U.S. EPA's Clean Power Plan; and

**BE IT FURTHER RESOLVED**, that The Council of State Governments encourages states to inform their congressional delegations on their evaluations and comments and encourage these representatives to help resolve issues by reducing or eliminating negative consequences from U.S. EPA's proposed regulation; and

**BE IT FURTHER RESOLVED**, that The Council of State Governments' staff is encouraged to support states with education initiatives for its members by webinars, meetings, written communications and other means; and

**BE IT FURTHER RESOLVED**, that copies of this resolution are to be transmitted to the president of the United States, U.S. EPA, U.S. Department of Energy, National Governors Association, National Association of Regulatory Utility Commissioners, National Association of State Energy Officials, Environmental Council of the States and other relevant organizations, and leadership in all states, and CSG staff are directed to work with the Congress, federal agencies and stakeholder coalitions to achieve the goals of this resolution.

Adopted this 13<sup>th</sup> Day of August, 2014 at CSG's 2014 National Conference in Anchorage, Alaska.

## RESOLUTION CONCERNING CLEAN WATER ACT REGULATIONS AND U.S. EPA'S DEFINITION OF "WATERS OF THE U.S."

**WHEREAS**, the Clean Water Act (CWA) and implementing regulations of the past four decades recognize the partnership between federal, state, and local governments to achieve the objectives of the Act; and

**WHEREAS**, Section 101(g) of the CWA expressly states that it is "the authority of each state to allocate quantities of water within its jurisdiction [that] shall not be superseded, abrogated, or otherwise impaired by this Act"; and

**WHEREAS**, the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers have a proposed rule to redefine "waters of the U.S." that could significantly increase the cost and regulatory requirements for state and local governments and ultimately the costs for state and local residents and businesses; and

**WHEREAS**, the proposed rule has no prescribed limits to federal jurisdiction and does not clearly define what waters are to be regulated under the federal government and what waters are under the state's jurisdiction; and

**WHEREAS**, the proposed rule will apply to all programs of the CWA and, therefore, subject more activities to CWA permitting requirements, National Environmental Policy Act (NEPA) analyses, mitigation requirements, and citizen suits challenging local actions based on the applicability and interpretation of new-found authorities; and

**WHEREAS**, the costs of obtaining U.S. Army Corps of Engineers wetlands permits are significant, averaging 788 days and \$271,596 for an individual permit; 313 days and \$28,915 for a nationwide permit – not including the costs of mitigation or design changes – and the greatest burden will fall on small landowners and small businesses least able to absorb the costs; and

**WHEREAS**, the proposing agencies' economic analysis for this rule did not consider impacts of the full range of CWA programs affected, or of economic impacts to small businesses, and the analysis relies on nearly 20-year-old cost data that has not been adjusted for inflation and, in concluding, that the proposed rule would increase the waters subject to permitting requirements by only 2.7 percent, the

proposing agencies rely on a data base that is incomplete and not representative of those waters that are subject to jurisdiction under current regulation; and

**WHEREAS**, the justification for the scope of the proposed rule rests on a scientific analysis that is still under review and the proposing agencies decided to proceed with development of a proposed rule addressing issues associated with the connectivity of waters prior to being informed by the Science Advisory Board Review and the implications of its findings; and

**WHEREAS**, the proposed rule does not provide an explanation or clear understanding about how the proposed expansion of CWA jurisdiction and transfer of ultimate authority might affect other CWA programs, state laws and responsibilities, water rights, land use, governances, and regulated parties; and

**WHEREAS**, the EPA and the U.S. Army Corps of Engineers have not fulfilled statutory obligations to fully consult with the states, thus undermining the cooperative federalism intent at the heart of the CWA; and

**NOW THEREFORE, BE IT RESOLVED**, as co-regulators of water resources, states should be fully consulted and engaged in any process that may affect the management of their waters; and

**BE IT FURTHER RESOLVED**, that The Council of State Governments urges the EPA and the U.S. Army Corps of Engineers to defer adopting any redefinition of the waters of the U.S. rule until:

- The Science Advisory Board concludes its review and the EPA and the U.S. Army Corps of Engineers incorporates the conclusions of the Science Advisory Board review; and
- An economic analysis is completed that addresses the full economic impact of the rule and uses properly updated data.

**BE IT FURTHER RESOLVED**, copies of this resolution shall be transmitted to the president, all members of Congress, the Administrator of the U.S. EPA, and the leadership of the U.S. Army Corps of Engineers, and the CSG staff is directed to advocate for policies that reflect these principles.

Adopted this 13th Day of August, 2014 at CSG's 2014 National Conference in Anchorage, Alaska.

## RESOLUTION ON THE REAUTHORIZATION OF THE U.S. EXPORT-IMPORT (Ex-Im) BANK

**WHEREAS**, exports have accounted for roughly one-third of U.S. economic growth since 2009, and overseas markets are increasingly important for small-and-medium sized businesses, as well as large corporations; and

**WHEREAS**, limited access to export capital is a major obstacle for businesses, especially small businesses, to export their goods and services; and

**WHEREAS**, small businesses are the nation's leading job creators and make up 98 percent of all U.S. exporters, and 90 percent of Ex-Im transactions directly benefit small businesses and suppliers across all 50 states; and

**WHEREAS**, in 2013 alone, Ex-Im Bank helped 3,800 companies earn more than \$37 billion in export sales, which supported more than 205,000 American jobs; and

**WHEREAS**, the Ex-Im Bank acts as a lender of last resort and thereby does not compete with commercial banks, but instead fills export financing gaps through its loan, guarantee, and insurance programs when the private sector is unable or unwilling to do so; and

**WHEREAS**, the Ex-Im Bank's effectiveness in enhancing American competitiveness comes at no cost to the taxpayer, its services generate adequate revenue to offset its operating costs, and all surplus funds, nearly \$1 billion in 2013, are transferred to the U.S. Treasury which reduces the U.S. federal deficit; and

**NOW, THEREFORE BE IT RESOLVED**, that The Council of State Governments urges the U.S. Congress to pass reauthorization of Ex-Im Bank before the current authorization extension expires September, 2014.

Adopted this 13<sup>th</sup> Day of August, 2014 at the CSG National Conference in Anchorage, Alaska.

## RESOLUTION IN SUPPORT OF

### THE STATE AUTHORIZATION RECIPROCITY AGREEMENT (SARA)

**WHEREAS**, online education is the fastest growing segment of the higher education field; and

**WHEREAS**, in the 2011-12 school year, more than 6.7 million students took at least one online course, representing approximately 32 percent of the higher education community's total enrollment; and

**WHEREAS**, 62.4 percent of colleges and universities surveyed by the Sloan Consortium now offer fully online degree programs; and

**WHEREAS**, as more higher education institutions offer online education across state lines, a uniform process of regulation for authorizing institutions to operate on an interstate basis is becoming more important; and

**WHEREAS**, over the course of the last three years, The Council of State Governments has worked jointly with the Presidents' Forum, Commission on Regulation of Postsecondary Distance Education, and the four regional higher education compacts – Midwestern Higher Education Compact, New England Board of Higher Education, Southern Regional Education Board, and Western Interstate Commission for Higher Education – to develop the State Authorization Reciprocity Agreement (SARA); and

**WHEREAS**, SARA is a voluntary agreement intended to simplify and streamline the process for authorizing distance/online degree programs across state lines; and

**WHEREAS**, there are no fees charged to states that join SARA; and

**WHEREAS**, SARA has been adopted in seven states during the 2014 state legislative sessions, including: Alaska, Colorado, Idaho, Indiana, North Dakota, Nevada, and Washington; and

**NOW, THEREFORE BE IT RESOLVED**, that The Council of State Governments supports the establishment of the State Authorization Reciprocity Agreement (SARA) and encourages its member jurisdictions to consider the new interstate agreement as an innovative policy solution that will increase degree attainment and reduce costs for students, states, and institutions; and

**BE IT FURTHER RESOLVED**, that The Council of State Governments staff will provide ongoing assistance to the National Council for State Authorization Reciprocity Agreements' national office and the four regional higher education compacts in their efforts to raise awareness about SARA.

Adopted this 13<sup>th</sup> Day of August, 2014 at the CSG National Conference in Anchorage, Alaska.

## RESOLUTION IN SUPPORT OF

### THE RECOGNITION OF EMS PERSONNEL LICENSURE COMPACT (REPLICA)

**WHEREAS**, states have had the authority to license emergency medical service (EMS) personnel since the 1970s; and

**WHEREAS**, based on this authority, states have traditionally issued licenses according to their own individual regulations and assessments of an individual's fitness to practice; and

**WHEREAS**, these requirements vary considerably from state to state and no formal long-term inter-jurisdictional EMS licensing regime currently exists; and

**WHEREAS**, it is becoming increasingly common for EMS personnel to cross state borders to deliver emergency and life-saving services on a day-to-day basis; and

**WHEREAS**, this increased interstate movement places a new emphasis on how EMS personnel are licensed to ensure they are not practicing in a state in which they are not licensed to practice; and

**WHEREAS**, the growth of telehealth, a desire to increase access to health care professionals, the Affordable Care Act, and personal mobility are factors currently compelling several other medical professions to consider and adopt interstate licensing compacts; and

**WHEREAS**, the use of the interstate compact mechanism to address interstate emergencies and declared disasters is well established with interstate agreements such as the 50-state Emergency Management Assistance Compact and the regional Forest Fire Protection Compacts; and

**WHEREAS**, The Council of State Governments (CSG), through its National Center for Interstate Compacts, and in partnership with the National Associations of State EMS Officials (NASEMSO), with the support of the U.S. Department of Homeland Security has facilitated the development of the Recognition of EMS Personnel Licensure Compact (REPLICA) as a 50-state solution to this challenging policy issue; and

**NOW, THEREFORE BE IT RESOLVED**, that The Council of State Governments supports the establishment of the Recognition of EMS Personnel Licensure Compact (REPLICA) and encourages its member jurisdictions to consider the new interstate agreement as an innovative policy solution to the challenge of interstate EMS personnel emergency and life-saving operations.

Adopted this 13<sup>th</sup> Day of August, 2014 at the CSG National Conference in Anchorage, Alaska.

## RESOLUTION ON SUPPORTING INTELLECTUAL PROPERTY (IP) RIGHTS TO PROTECT JOBS AND PROMOTE ECONOMIC DEVELOPMENT

**WHEREAS**, innovation and intellectual property (IP) are critical competitive advantages and drivers for long-term economic growth in the U.S; and

**WHEREAS**, IP companies together make up more than one-third of the U.S. economy and directly employ more than 19 million workers in all 50 states; and

**WHEREAS**, IP companies on average pay higher wages than non-intellectual property companies; and

**WHEREAS**, IP companies are a major contributor to total U.S. exports, accounting for more than \$1 trillion in 2011; and

**WHEREAS**, the U.S. economy loses an estimated \$300 billion annually due to IP theft, resulting in lost tax revenue to federal, state and local governments; and

**WHEREAS**, in 2013 the U.S. Customs and Border Protection recorded 24,361 seizures of counterfeited goods, an increase of 7 percent from 2012, and valued over \$1.7 trillion.

**NOW, THEREFORE BE IT RESOLVED**, that The Council of State Governments requests the U.S. Congress and the federal government to pursue opportunities to protect intellectual property, reduce fraudulent theft, and protect American businesses and consumers.

Adopted this 13<sup>th</sup> Day of August, 2014 at the CSG National Conference in Anchorage, Alaska.

## RESOLUTION SUPPORTING ONLINE VOTING INFORMATION FOR MILITARY AND OVERSEAS CITIZENS

**WHEREAS**, members of the Uniformed Services, including the United States Armed Forces, Merchant Marine, Commissioned Corps of the U.S. Public Health Service and the National Oceanic and Atmospheric Administration, are serving the United States in many locations throughout the world today; and

**WHEREAS**, members of the Uniformed Services are making extraordinary personal sacrifices in service to the United States to promote and defend democracy; and

**WHEREAS**, many overseas citizens are serving in the Peace Corps, doing missionary work, working in the foreign service field, attending school or pursuing work in an international field; and

**WHEREAS**, the most precious right of a democracy is the right to vote; and

**WHEREAS**, the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act (MOVE) passed in October 2009 made significant changes to federal election laws affecting absentee voting by uniformed and overseas citizens; and

**WHEREAS**, the Department of Defense's Federal Voting Assistance Program ([www.fvap.gov](http://www.fvap.gov)) Website provides and maintains election information specifically focused on assisting voters covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and MOVE, including a link to each state's elections Web site with specific elections information regarding UOCAVA voting; and

**WHEREAS**, it is important that individual states maintain election information specific to UOCAVA voters on their Web sites; and

**WHEREAS**, state leaders are committed to assuring that all qualified citizens can have their right to vote facilitated by state election officials through the most secure methods available; and

**NOW, THEREFORE BE IT RESOLVED**, that The Council of State Governments recommends that each state's elections Web site provide specific information for UOCAVA voters, and that each Web site provide a link to the U.S. Department of Defense Federal Voting Assistance Program Web site; and

**BE IT FURTHER RESOLVED**, that The Council of State Governments supports the full funding of HAVA requirements to help states improve electronic communication and information available to military and overseas voters.

Adopted this 13<sup>th</sup> Day of August, 2014 at CSG's 2014 National Conference in Anchorage, Alaska.