# NCSL Standing Committee on Natural Resources and Infrastructure

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NCSL STANDING COMMITTEE ON NATURAL RESOURCES AND INFRASTRUCTURE MEMBERS

Updated July 29, 2016

NCSL’s Natural Resources and Infrastructure Committee is one of nine NCSL Standing Committees. These committees are vital to NCSL’s successful representation of state interests in Washington, D.C., and the facilitation of policy innovation among state and territorial legislatures. Please contact any of the committee staff for details about the committee, state-federal policies under its jurisdiction, or upcoming meetings and educational events.

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Vice Chair: Representative Ed Orcutt, Washington
Vice Chair: Representative Dan Saddler, Alaska
Vice Chair: Senator Mike Vehle, South Dakota

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Staff Vice Chair: Rex Shattuck, Alaska

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Sen. Keith Ingram
Rep. Greg Leding
Sen. Terry Rice
Sen. Bill Sample

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Rep. Joe Faust
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Rep. Richard J. Lindsey
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Lee Hansen (staff)
Alex Judd (staff)
Janet Kaminski-Leduc (staff)
Emanuel Merisotis (staff)
Kristen Miller (staff)
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Rep. Mary Mushinsky
Rep. John Shaban
Bradford Towsn (staff)
Chris Zavaggin (staff)

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Abby Day (staff)
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Rep. Jay Powell

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Rep. Daniel Thurlow
Sen. Nancy Todd
Rep. Max Tyler
Rep. Edward Vigil
Rep. Faith Winter

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Rep. Mandi Ballinger
Rep. Thomas Benton
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Rep. Kevin Cooke
Abby Day (staff)
Rep. Robert Dickey
Rep. Terry England
Sen. Stephen Gooch
Rep. Margaret Kaiser
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Rep. Greg Morris
Rep. Chad Nimmer
Rep. Randy Nix
Sen. Nan Orrock
Rep. Don L. Parsons
Rep. Allen M. Peake
Rep. Alan Powell
Rep. Jay Powell

COMMITTEE STAFF
NCSL D.C. Office: Ben Husch and Kristen Hildreth
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Rhode Island
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Sen. Joshua Miller
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Reo. Larry Zikmund

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Lisa Weatherford (staff)

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Sen. Clifford Graham
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Rep. Stephen Handy
Rep. Lynn Hemingway
Sen. David P. Hinkins
Sen. Peter Knudson

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Sen. Richard Black
Sen. Virginia引者
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Robie Ingram (staff)
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Sen. Thomas Norment Jr.
Anne Oman (staff)
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Sen. J. Chap Petersen
Jason Powell (staff)
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Sen. William Stanley
Sen. Richard Stuart
Rep. David J. Toscano
Sen. Frank W. Wagner
Alan B. Wambold (staff)

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Rep. Joe Fitzgibbon
Sen. John McCoy
Rep. Jeff Morris
Rep. Ed Orcutt
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Meg VanSchoorl (staff)
Gary Wilburn (staff)

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Del. Mick Bates
Seth Gaskins (staff)
Del. Marty Gearheart
Del. Lynwood Ireland
Sen. Robert Karnes
Ryan Simms (staff)
Noelle Stake (staff)
Sen. Robert Williams

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Anne Henning (staff)
Larry Knopecki (staff)
Sen. Christopher Larson
Rachel Letzing (staff)
Steven McCarthy (staff)
Sen. Mark Miller
David Moore (staff)
Mary Plotenhauer (staff)
Michael Queensland (staff)
Rep. Romaine Quinn

Wyoming
Josh Anderson (staff)
Sen. Floyd A. Esquibel
Rep. Michael Greer
Sen. Larry Hicks
Sen. Curt Meier
Anna Mumford (staff)
Matthew Obrecht (staff)
Ian Shaw (staff)
Sen. Michael Von Flatern
Rep. Thomas Walters
Rep. Daniel Zwonitor
**All meetings will take place at the McCormick Place West unless otherwise noted.**

### Sunday, August 7

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
<th>Contact Email</th>
<th>Details</th>
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<tbody>
<tr>
<td>8 a.m. – 1 p.m.</td>
<td><strong>Energy Supply Task Force</strong></td>
<td>Room W183 b Level 1</td>
<td><a href="mailto:Kristy.Hartman@ncsl.org">Kristy.Hartman@ncsl.org</a></td>
<td>Contact <a href="mailto:Kristy.Hartman@ncsl.org">Kristy.Hartman@ncsl.org</a> for more information</td>
</tr>
<tr>
<td>12:30 – 10 p.m.</td>
<td><strong>Agriculture Task Force</strong></td>
<td>Offsite</td>
<td><a href="mailto:Ben.Husch@ncsl.org">Ben.Husch@ncsl.org</a></td>
<td>Contact <a href="mailto:Ben.Husch@ncsl.org">Ben.Husch@ncsl.org</a> for more information</td>
</tr>
<tr>
<td>1:30 – 5 p.m.</td>
<td><strong>Energy Policy Summit</strong></td>
<td>Room W183 a Level 1</td>
<td><a href="mailto:Kristy.Hartman@ncsl.org">Kristy.Hartman@ncsl.org</a></td>
<td>Contact <a href="mailto:Kristy.Hartman@ncsl.org">Kristy.Hartman@ncsl.org</a> for more information</td>
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### Monday, August 8

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Location</th>
<th>Contact Email</th>
<th>Details</th>
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<tbody>
<tr>
<td>7:30 – 11:45 a.m.</td>
<td><strong>Agriculture Task Force</strong></td>
<td>Room W179 b Level 1</td>
<td><a href="mailto:Ben.Husch@ncsl.org">Ben.Husch@ncsl.org</a></td>
<td>Contact <a href="mailto:Ben.Husch@ncsl.org">Ben.Husch@ncsl.org</a> for more information</td>
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<tr>
<td>8:00 – 11:45 a.m.</td>
<td><strong>Multisector P3 Partnership</strong></td>
<td>Room W194 b Level 1</td>
<td><a href="mailto:douglas.shinkle@ncsl.org">douglas.shinkle@ncsl.org</a></td>
<td>Hear national experts and state leaders discuss emerging policy issues surrounding the expanding P3 industry and its potential role in helping strengthen public infrastructure assets in arenas as diverse as water, energy, higher education, transportation and others. Contact <a href="mailto:douglas.shinkle@ncsl.org">douglas.shinkle@ncsl.org</a> for more information</td>
</tr>
<tr>
<td>8 a.m. – 12:45 p.m.</td>
<td><strong>Energy Summit</strong></td>
<td>Room W183 a Level 1</td>
<td><a href="mailto:Kristy.Hartman@ncsl.org">Kristy.Hartman@ncsl.org</a></td>
<td>Continued from Sunday - Contact <a href="mailto:Kristy.Hartman@ncsl.org">Kristy.Hartman@ncsl.org</a> for more information</td>
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<td>Time</td>
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<td>12– 4 p.m.</td>
<td><strong>NRI Committee Site Visit</strong></td>
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<td><em>Offsite</em></td>
<td>Open exclusively to NRI Committee members</td>
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<td><em>(NRI Members Only)</em></td>
<td><em>Passenger and Freight Rail Tour</em> – Take a ride on METRA to Union Pacific's Proviso rail yard where committee members will get a rail safety, engineering and hazmat briefing. Following the briefing, members will tour the rail equipment and hump yard. Committee members, contact <a href="mailto:jocelyn.durkay@ncsl.org">jocelyn.durkay@ncsl.org</a> to reserve a spot.*</td>
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<tr>
<td>5:30 – 7 p.m.</td>
<td><strong>Networking Reception</strong></td>
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<td><strong>Tuesday, August 9</strong></td>
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<td>7:30 – 8:45 a.m.</td>
<td><strong>Food &amp; Farm Breakfast</strong></td>
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<tr>
<td><em>Room W179 a</em></td>
<td>The United States and Canada enjoy the largest bilateral trading relationship in the world, which includes more than $50 billion in agriculture and food trade. Join us for a full breakfast briefing from Roy Norton, the consul general in Chicago, about how this bilateral trade directly creates jobs and economic opportunities in both the United States and Canada, builds on our respective efficiencies and creates a more competitive and integrated agriculture and food industry.</td>
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<td><em>Level 1</em></td>
<td>Moderator:</td>
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<td></td>
<td><strong>Senator Rita Hart</strong>, Co-Chair NCSL Agriculture Task Force</td>
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<td>Speaker:</td>
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<td><strong>Marcy Grossman</strong>, Consul General, Consulate General of Canada in Denver</td>
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<td><em>Hot breakfast sponsored by ADM</em></td>
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<td>9 – 10:30 a.m.</td>
<td><strong>NRI Committee Business Meeting</strong></td>
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<td><em>Room W184 b &amp; c</em></td>
<td>Debate and vote on policies that guide NCSL's advocacy work in Washington D.C.</td>
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<td><em>Level 1</em></td>
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<td>10:45 a.m. – Noon</td>
<td><strong>Nuclear Nexus</strong></td>
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<td><em>Room W179 a</em></td>
<td>Nearly 100 commercial nuclear reactors in the U.S generate almost 20 percent of the nation’s electricity. But energy technology, fuel prices and the Clean Power Plan are changing economics and prompting some reactors to shut down. Explore market structures, decommissioning, and compliance with new government regulations as the nation undergoes the largest energy transition in generations.</td>
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<td><em>Level 1</em></td>
<td>Moderator:</td>
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<td><strong>Delegate Sally Jameson</strong>, Maryland, Co-Chair NCSL NRI Committee</td>
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<td>Speaker:</td>
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<td><strong>Alex Flint</strong>, Senior Vice President of Government Affairs, Nuclear Energy Institute</td>
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<td><strong>Kathleen Barron</strong>, Senior Vice President of Federal Regulatory Affairs, Exelon Corporation</td>
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<td><strong>Andrew Ott</strong>, President and Chief Executive Officer, PJM Interconnection</td>
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<td>12:15 – 1:30 p.m.</td>
<td><strong>SmartLabel™ – Delivering Transparency to Consumers</strong></td>
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<td><em>Room W179 a</em></td>
<td>It's no secret that consumers are demanding to know more about the products they buy and consume, from food and beverages to body lotion and laundry</td>
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detergent. Meanwhile, policymakers at the federal and state levels are engaged in conversations regarding the future of food and beverage product labeling. Join the Natural Resources and Infrastructure Committee for a briefing from Pennsylvania Senator Rob Teplitz and The Hershey Company regarding the new industry product transparency tool, SmartLabel™. SmartLabel™ is a mobile and digital tool that delivers detailed product information to consumers on demand across food, beverage, personal care and household care categories. Consumers can instantly access information about product ingredients, allergens, certifications, nutrition details, usage guides and much more to make better decisions for their families.

Speaker:
**Deborah Arcoleo**, Director, Product Transparency at The Hershey Company

Lunch sponsored by The Hershey Company

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<tr>
<td>1:45 – 3:15 p.m.</td>
<td><strong>Gearing Up: Transportation Funding for the Future</strong></td>
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<td>Fuel economy standards are set to increase through 2025, more electric and alternative vehicles are on the road, and transportation mobility is changing. Is it time to reevaluate how states collect transportation revenues? Examine how these changes could impact the future of transportation funding and emerging policies states are considering to meet transportation infrastructure needs.</td>
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<td>Speakers:</td>
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<td><strong>Bill Kramer</strong>, Policy Director, Council of State Chambers</td>
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<td><strong>Representative Charles Busby</strong>, Mississippi</td>
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<td><strong>Representative Leslie A. Combs</strong>, Kentucky</td>
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<td><strong>Delegate Tawanna P. Gaines</strong>, Maryland</td>
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<td><strong>Senator Wayne Harper</strong>, Utah</td>
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<td>3:30 – 5 p.m.</td>
<td><strong>TSCA Reform: Modernizing 40-Year Old Legislation</strong></td>
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<td>With the approval of Congress and the president's signature, the Toxic Substance Control Act (TSCA) is significantly updated from its initial version, first passed more than 40 years ago. While giving EPA new powers to regulate chemicals in commerce, the bill also has significant impacts on states, which had become the de facto primary regulators over the past decade. Join the discussion to learn how the new bill will affect both your state and the private sector.</td>
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<td>Moderator:</td>
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<td><strong>Representative Rick Hansen</strong>, Minnesota</td>
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<td>Speakers:</td>
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<td><strong>John Stine</strong>, Minnesota Pollution Control Agency, Minnesota</td>
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Wednesday, August 10

<table>
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<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>8:30 – 10:30 a.m.</td>
<td><strong>The Future Is Near: Revolution of the Roadways</strong></td>
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<tr>
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<td>A brave new transportation world is on the horizon where autonomous vehicles are at our service with a tap of a mobile device, traffic fatalities could be drastically reduced, and new partnerships pave the way for a radically different mode of travel. However, this transition to the future is</td>
</tr>
</tbody>
</table>
complicated, requiring legislatures, agencies and industry to invest in vehicle-to-everything technology and infrastructure for safer and more consumer and energy friendly roads and highways.

Speakers:

Sen. Jeffrey P. Brandes, Florida  
Sen. Mo Denis, Nevada  
Bernard Soriano, California Department of Motor Vehicles, California  
Nicole Barranco, Volkswagen Group of America, Inc., Washington, D.C.  
Kirk Steudle, Michigan Department of Transportation, Michigan

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| 9:15 – 10:30 a.m. | Crystal Clear? State Efforts to Improve Water Planning | Water makes news, whether it’s the algae bloom on Lake Erie, storm water runoff, lead poisonings in Flint, or suits against upstream counties. States are working to bring together the agriculture industry, urban areas and clean water advocates to address efforts to maintain healthy water resources, and consider future demand and supply of this important resource.  
Moderator: Tom Curtis, former Deputy Executive Director, American Water Works Association, Washington, D.C.  
Speakers:  
John Covington, U.S. Environmental Protection Agency, Washington, D.C.  
Greg Diloreto, American Society of Civil Engineers, Oregon  
Chris Kolb, Michigan Environmental Council, Michigan |
| 10:35 a.m. – 12:30 p.m. | NCSL Business Meeting | All legislators and legislative staff are encouraged to attend the Business Meeting and consider Policy Directives and Resolutions that will guide NCSL's advocacy efforts before Congress and the administration, amendments to the Bylaws and Rules of Procedure, election of NCSL officers and approval of the Conference budget. All other meeting participants are welcome to observe. |
| 12:30 – 1:20 p.m. | Exhibit Hall Luncheon | Zion Nuclear Power Station – Decommissioning Tour  
NCSL invites you to participate in an afternoon tour of the Zion Nuclear Power Station, hosted by EnergySolutions. The Zion facility was permanently shut down in 1998 and is currently is in the process of decommissioning. The Zion plant once served Chicago and the northern quarter of Illinois. If you are interested in participating in this tour, please contact Kristy Hartman (kristine.hartman@ncsl.org; 303-856-1509). |
| 1:30 – 2:30 p.m. | General Session |  
Natural Disasters: Planning, Preparing and Paying For Them  
As the frequency and severity of natural disasters increases, so do the potential budget impacts. From planning and mitigation to response, |
recovery and restoration, states must juggle a complex set of priorities. Engage with peers on the front lines of natural disaster planning and experts with information to help you prepare for this growing threat.

Speakers:
- **Bryan Koon**, National Emergency Management Association, Kentucky
- **Stephanie Tennyson**, FEMA Office of External Affairs, Washington, D.C.

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<table>
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<th>Time</th>
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<tbody>
<tr>
<td>6:30 – 10 p.m.</td>
<td>Illinois Signature Event: Field Museum</td>
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<td></td>
<td><strong>Thursday, August 11</strong></td>
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<table>
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<tr>
<td>6:30 – 8 a.m.</td>
<td><strong>Bipartisan Bike Ride</strong></td>
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<td>8 – 9:15 a.m.</td>
<td><strong>Republican and Democrat Breakfats</strong></td>
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<td>Room W192 a, b &amp; c</td>
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<td><strong>Republican and Democrat Breakfats</strong></td>
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<td>Republican Breakfast Speaker: <strong>Jeanine Pirro</strong>, Host of Fox News Show “Justice with Judge Jeanine”</td>
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<td>Democratic Breakfast Speaker: <strong>Amanda Renteria</strong>, Hillary for America, New York</td>
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<td>9:30 – 10:30 a.m.</td>
<td><strong>Cybersecurity Showdown: Challenges and Strategies for States</strong></td>
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<td>Cybersecurity Showdown: Challenges and Strategies for States</td>
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<td>Cyber threats have enormous implications for government security, economic prosperity and public safety. In rapid fire blasts, learn about key cybersecurity issues and perspectives: government, financial and consumer data, water and energy threats, IT security and law enforcement challenges—all with an eye toward collaborative strategies to combat these elusive and ever evolving threats.</td>
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<td>Moderator: <strong>Rep. Max Tyler</strong>, Colorado</td>
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<td>Speakers: <strong>Andrew Bochman</strong>, Idaho National Laboratory, Idaho</td>
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<td><strong>Joe Demarest</strong>, Ernst &amp; Young LLP, New York</td>
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<td><strong>Ashwini Jarral</strong>, IJIS Institute, Virginia</td>
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<td>10:45 a.m. – Noon</td>
<td><strong>The Electric Grid Revolution and The Clean Power Plan</strong></td>
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<td>The Electric Grid Revolution and The Clean Power Plan</td>
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<td>Despite the Supreme Court stay of EPA’s carbon regulations, states are considering a range of potential energy futures based on new technologies and dramatically lower prices for natural gas and renewables. Hear leading energy analysts discuss how states can harness these changes to spark innovation, drive job growth and modernize electric grids, and how it will impact the state economies, jobs and citizens.</td>
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<td><strong>Christopher Van Atten</strong>, MJ Bradley &amp; Associates, Washington, D.C.</td>
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<td><strong>Francisco de la Chesnaye</strong>, Electric Power Research Institute, California</td>
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<td>12:15 – 1:45 p.m.</td>
<td><strong>Closing General Session Lunch</strong></td>
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The NCSL Natural Resources & Infrastructure Committee (NRI) is pleased to notify you of our updated website, where you can find up-to-date committee information and resources at any time.

- **COMMITTEE HOMEPAGE**: Overview page for the NRI Committee including links to specific resource pages (listed below) and timely news alerts
- **COMMITTEE POLICIES**: All state-federal policies that have been approved by the committee, used for NCSL’s advocacy in Washington, D.C.
- **NRI COMMITTEE AND CONGRESS**: Regularly updated collection of letters and testimonies sent to the U.S. Congress, related to NRI Committee policy
- **NEWSLETTERS**: 3 monthly Federal Updates covering energy & ag; environment and transportation issues and two monthly state-federal policy newsletters on transportation (the Transporter) and energy (Plugged In).
- **INFO ALERTS & ARCHIVES**: A one-stop-shop for all NRI Committee-related info alerts (concise informational briefs on breaking news of interest to our committee)
- **MEETING RESOURCES**: Information from recent NCSL meetings—including agendas, presentations from our sessions (when available) and other resources of interest—plus details about upcoming events
- **NATURAL RESOURCES & INFRASTRUCTURE BILL-TRACKING DATABASES**: A series of up-to-date databases that track legislation introduced in all 50 states, the District of Columbia and Puerto Rico:
NCSL NATURAL RESOURCES AND INFRASTRUCTURE COMMITTEE
BUSINESS MEETING AGENDA

Tuesday, August 9, 2016
9:00 a.m. - 10:30 a.m. | Room W 184 B & C, Level 1

- Overview & Review of Procedures
- Consideration of (listed in order of consideration):
  - Existing Policy Resolutions
    - Avian Flu Response
    - Climate Change
    - Cover Crop Research
    - Pollinator Health
    - Wildfire Funding
  - Proposed Policy Resolutions
    - Examination of the Proposed Merger Between Dow Chemical and DuPont
    - State Sovereignty in Air Ambulance Regulations
  - Proposed Amendments to Existing Policy Directives
    - Air Policy
    - Environmental Federalism
    - Federal Land Policy Management Act
    - Water Policy
    - Waterways and Ports
POLICY SUMMARIES

The Natural Resources and Infrastructure Committee will consider the following policy directives and resolutions at the 2016 Legislative Summit:

Existing Policy Resolutions for Reconsideration

**Avian Flu Response**: This resolution expresses concern with the recent outbreak of avian flu in various states, and urges the federal government to work with states to help stop the outbreaks and prevent contamination.

**Climate Change**: This resolution focuses on the state-federal relationship for the funding, development, and regulation of air emissions and their potential impact on the climate.

**Cover Crop Research**: This resolution urges the federal government to support efforts to further the development of and proliferation and use of cover crops.

**Pollinator Health**: This resolution expresses support for federal efforts to protect pollinators.

**Wildfire Funding**: This resolution urges the federal government to address budget issues for wildfire suppression and supports funding wildfires as natural disasters.

Proposed Policy Resolutions

**Examination of the Proposed Merger Between Dow Chemical and DuPont**: This new resolution would urge the Antitrust Division of the United States Department of Justice to carefully examine the proposed merger between Dow Chemical and DuPont in order to protect state economic output from the negative effects of excessive consolidation.

**State Sovereignty in Air Ambulance Regulation**: This new resolution urges Congress to amend the Airline Deregulation Act in order to provide states the authority to enforce insurance regulations on air ambulance providers to protect consumers.

Proposed Amendments to Existing Policy Directives

**Air**: These include a set of proposed staff amendments as well as one proposed amendment concerning the allocation of federal funding to states based on solar energy standards and net metering policies. The existing directive pertains to the implementation of the Clean Air Act by the U.S. Environmental Protection Agency (EPA).

**Environmental Federalism**: These include a set of proposed staff technical changes to update the directive as well as one proposed amendment pertaining to federal trade agreements that usurp state authority. The existing directive focuses the state-federal partnership for environmental protection.

**Land Management**: This is a set of proposed staff amendments to update the existing policy directive which focuses on urging all federal agencies involved in the management of public lands to incorporate within their policies and regulations, provisions for a continuous and cooperative involvement of state governments in public lands policy and public lands management.
Water: This includes a set of proposed staff amendments, as well as one amendment emphasizing the prioritization of water quality from nutrient pollution in the Mississippi River basin, while also calling on the federal government to assist groups of state legislators focused on the attainment of clean water. The existing policy directive focuses on the establishing the appropriate role for the federal government of water resources management.

Waterways and Ports: This is a proposed amendment to an existing policy directive that both removes existing language on increased user fees as Congress included in its FY 2015 Omnibus, and replaces it with language supporting increased appropriations from the Inland Waterways Trust Fund to commensurate with the increasing revenue.
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A resolution of the National Conference of State Legislatures, expressing support for federal efforts to increase funding for avian flu research and vaccine development efforts.

WHEREAS, US farmers, poultry processing and food production plants supply a significant portion of poultry products consumed nationally and internationally; and

WHEREAS, agriculture is a key driver of rural and state economies and the tremendous productivity of United States farmers benefits the national economy and the country’s international trade balance; and

WHEREAS, the highly pathogenic avian influenza (HPAI) H5N1 strain is a new mixed-origin virus that combines the H5 genes from the Asian HPAI H5N1 virus with N genes from native North American avian influenza viruses found in wild birds; and

WHEREAS, according to the USDA, since December 2014, confirmed cases of HPAI H5 have been reported in the Pacific, Central, and Mississippi flyways (or migratory bird paths). The disease has been found in wild birds, as well as in a few backyard and commercial poultry flocks. The Centers for Disease Control and Prevention (CDC) considers the risk to people from these HPAI H5 infections to be low; and

WHEREAS, 223 detections of HPAI H5 have been reported across 15 states, with the Midwest being hit the hardest, affecting over 48 million birds; and

WHEREAS, farmers and agriculture related businesses have seen significant losses in revenue and workers have been laid off or subject to reduced work hours; and

WHEREAS, according to USDA statistics, nationwide, over 11% of the nation’s laying hens and over 3% of the nation’s annual turkey production have been impacted to date,
resulting in a significant threat to United States agriculture and the ability of our farmers to feed a growing world population; and

WHEREAS, state and federal governments have invested millions of dollars to address the fallout associated with H5N1 and find solutions to the virus; and

WHEREAS, the USDA Agricultural Research Service (ARS), Southeast Poultry Research Lab (SEPRL) is working to evaluate and develop avian influenza (AI) vaccines; and

WHEREAS, the National Conference of State Legislatures (NCSL) recognizes the serious threats posed by the HPAI outbreak and the key role that the federal government plays in harnessing resources and providing assistance to farmers and others affected by the virus,

NOW, THEREFORE, BE IT RESOLVED by the NCSL that it fully supports recent federal efforts to protect poultry production and the nation’s food supply by aggressively working to contain and remediate outbreaks when they occur. NCSL also supports federal efforts to serve as technical advisors and the clearinghouse of information for all sectors, and investigating ways to stop the spread of the virus.

BE IT FURTHER RESOLVED, that the NCSL strongly encourages the federal government to increase the funding necessary for state and federal agencies to continue development of biosecurity containment strategies, time sensitive approaches to sharing information, and more aggressive research into what is causing avian influenza, why some fowl are more susceptible, and prevention measures, including the development of vaccines, that can be taken.

BE IT FURTHER RESOLVED, federal agencies should work closely with the states to align HPAI efforts and share best practices.

BE IT FURTHER RESOLVED that NCSL and the states are willing partners in the federal government’s HPAI efforts and will closely monitor federal actions and progress on these and related efforts of utmost importance to the states and our nation's food supply, rural agriculture economies, environment, and natural resources.
NCSL urges the federal government to consult with state elected officials, their national representative organizations and existing interstate partnerships in developing a federal program. As Congress and the administration examine proposals for reducing greenhouse gas emissions, the National Conference of State Legislatures encourages the federal government to always take the following principles into account:

- Federal action should be flexible, allowing for a range of complementary strategies at the state and federal level maintaining a strong role for state, local and tribal government in any federal action.

- Federal legislation should provide states the authority and flexibility to work within an overall framework; to apply the law effectively to all sources of emissions and ensure achievement of climate change goals in the most cost effective, timely and efficient manner for each state.

- Federal legislation should not preempt state or local governments from enacting policy options that differ from federal choices or from enacting stricter or stronger measures within their jurisdiction.

- Federal legislation should afford states the flexibility to form regional cooperatives and implement innovative policies that advance federal efforts to reduce the effects of climate change.

- Congress must authorize and appropriate sufficient funds for federal, state and local governments to implement any federal legislation. These funds should be newly authorized appropriations, not reprogrammed resources.
• Federal legislation should ensure state legislative authority in any federal climate change legislation and affirm the active role played by state legislatures in both fiscal and substantive aspects of state policymaking.

• Federal legislation providing for the allocation of greenhouse gas reduction programs to states should include language making decisions related to such allowances subject to state legislative approval.

NCSL urges the federal government, should it choose to act on this issue, to take into account the following principles regarding program design components:

• Any national system must include short, medium and long-term goals and incorporate a rigorous oversight program that provide for ongoing study and analysis of the system to ensure it is achieving intended goals.

• A new national program should serve to address uncertainties that are hampering investment in generation, transmission and distribution and enhance the likelihood that appropriate technologies will be developed and other solutions implemented so as to achieve the desired reductions in GHG emissions in the most economical manner possible.

• Federal legislation should be designed appropriately to balance competing criteria, including, but not limited to, equity, economic efficiency and ease of administration.

• Revenue derived from a greenhouse gas reduction program should be directed to complimentary policies focused on mitigating climate change consumer costs including but not limited to energy research & development, weatherization, conservation and energy efficiency activities.

• A national program to reduce GHG emissions must also address adaptation issues.

• Auctioning of allowances may be the most economically efficient mechanism for achieving a GHG emissions reductions goal. However, the allocation of emissions allowances at no cost can serve as an appropriate transition measure necessary to ensure continued reliability, minimize economic dislocation resulting from the
carbon intensity of the existing infrastructure, and allow for development and deployment of needed new technologies and measures to reduce emissions.

- Priority distribution of allowances at no cost should be to those entities in affected sectors where existing regulatory structure provides the necessary oversight to ensure that the value of such allowances is accounted for in establishing price rates for consumers.

- The allocation of greenhouse gas reduction program to states under a federal greenhouse gas reduction program should include language making decisions related to such allowances subject to state legislative approval.

- The establishment of any new federal program should include provisions for transparent reporting and accountability and incorporate the use of third party verification to ensure reported outcomes are verifiable.

**Unintended Consequences**

NCSL believes that federal legislation regarding the reduction of greenhouse gases should take into account the implications of actions and/or inactions on economic development, energy security, and those most vulnerable citizens. Evaluation should include the life cycle impacts of policy options including ancillary impacts.

NCSL believes that federal legislation should require continuing assessments of the potential impacts to the United States of climate change, by state or region including effects on water resources, agriculture, infrastructure, natural systems, environmental quality, public health, biodiversity and the cultures of our native peoples. Such an assessment will support the development of domestic and international adaptation-mitigation strategies. The Environmental Protection Agency (EPA) should provide funding and assist states in developing assessments and adaptation plans at the state and regional level.

NCSL also urges the federal government to fully consider how legislation will affect low-income households that already struggle to balance needs and expenses. NCSL encourages the federal government to expand and enhance long-term funding for the
Department of Energy's Weatherization Assistance Program and to ensure that any new federal program does not undermine existing federal, state and private sector energy assistance and outreach programs that assist our most vulnerable citizens.

Research and Development

NCSL strongly urges the federal government to authorize and appropriate funding and provide other incentives to spur expanded research and development (R&D), as well as advance the demonstration and deployment of new and existing technologies to improve energy efficiency, advance mitigation strategies and reduce greenhouse gas emissions.

NCSL urges the federal government:

- To ensure that legislation not limit the diversity of technologies supported, as future advancements cannot be predicted.
- To take into account state and regional differences, and not limit or specify the technologies used in each state and ensure sufficient flexibility for each State to determine how to best achieve nationally-set goals.
- To promote current and future innovations and expand the use of such technology through R&D transfer agreements with other countries.
WHEREAS, growing concerns about water quality, soil fertility, weed control, nematode control, water retention and biodiversity; and

WHEREAS, farmers need real solutions to solve concerns and maintain yields and profits,

WHEREAS, cover crops have proven to increase yields in university studies as well as in replicated farm research on real-world field plots; are an increasingly popular way to keep soil healthy; help reduce the need for N and other nutrients, and create a healthier soil environment that resists disease and pests; inhibit weed growth by shading them out, by preventing emergence, and by compounds exuded by the roots; are shown to reduce populations of pathogenic nematodes and encourage populations of beneficial ones; break up soil compaction whether it is naturally occurring or a result of heavy cultivation and tillage; add diversity to the natural biological life in heavily farmed soils, often working in synergy with cash crops for bottom line benefits; add diversity to the natural biological life in heavily farmed soils, often working in synergy with cash crops for bottom line benefits.

RESOLVED, that the National Conference of State Legislatures supports federal efforts to further the development of and proliferation and use of cover crops.

BE IT FURTHER RESOLVED, that this resolution be submitted to appropriate federal officials and the U.S. Congress.
A resolution of the National Conference of State Legislatures Natural Resources and Infrastructure Committee, recognizing the importance of pollinators, stressing the negative ramifications of continued pollinator loss, and expressing support for federal efforts to protect pollinators.

WHEREAS, farmers depend on pollinator species such as bees, ants, butterflies, birds and bats to successfully produce approximately one third of all United States agricultural output; and

WHEREAS, in addition to food, pollinators also are vital to the production of fibers, edible oils, medicines, and other products; and

WHEREAS, urban and rural beekeepers play an important role in state and federal agricultural production; and

WHEREAS, agriculture is a key driver of rural and state economies and the tremendous productivity of United States farmers benefits the national economy and the country’s international trade balance; and

WHEREAS, pollinator loss poses a significant threat to United States agriculture and the ability of our farmers to feed a growing world population; and

WHEREAS, pollinators are essential organisms in the ecosystems that provide biodiversity, recreation and enjoyment for people and habitat for wild plants and animals; and

WHEREAS, the National Conference of State Legislatures (NCSL) recognizes the serious threats posed by pollinator loss and the key roles that the federal government plays as landowner and manager, regulator of pesticide products, and financial and technical assistance provider to farmers and other private landowners; NOW, THEREFORE,
BE IT RESOLVED by the NCSL Natural Resources and Infrastructure Committee that it fully supports recent federal efforts to: develop best management practices and enhance pollinator habitat on federally owned or managed lands; incorporate pollinator health as a component of all future federal restoration and reclamation projects; revise guidance documents for designed landscapes and public buildings in order to incorporate pollinator-friendly practices; increase both the acreage and forage value of pollinator habitat in the Conservation Reserve Program and other federal conservation programs; provide technical assistance in collaboration with land-grant university-based cooperative extension services to federal departments and agencies, state, local, and tribal governments, and other entities and individuals including farmers and ranchers; assist states and state wildlife organizations, as appropriate, in identifying and implementing projects to conserve pollinators through the revision and implementation of State Wildlife Action Plans; assess the effects of systemic pesticides and parasites on bee and other pollinator health and take corresponding action, as appropriate, to protect pollinators from pesticides and parasites; and take immediate measures to support pollinators with proper habitat and nutrition during the current growing season and thereafter, including planting pollinator-friendly vegetation, increasing flower diversity in plantings, limiting mowing practices, and reduce or avoid, when necessary, the use of pesticides in sensitive pollinator habitats through the use of integrated vegetation, pest and colony management practices.

BE IT FURTHER RESOLVED that states work closely with affected individuals and serve as laboratories of innovation in problem solving and policy making. Federal agencies should work closely with the states to align pollinator protection efforts and share best practices.

BE IT FURTHER RESOLVED that NCSL and the states are willing partners in the federal government’s pollinator protection efforts and will closely monitor federal actions and progress on these and related efforts of utmost importance to the states and our nation's food supply, urban and rural agriculture economies, environment, and natural resources.
A resolution of the National Conference of State Legislators urging the federal government to address insufficient budget mechanisms for wildfire suppression and expressing support for federal efforts to fund catastrophic fires as natural disasters.

WHEREAS, Wildfire suppression costs have increased dramatically in the last decade;

WHEREAS, In the past two years, the U.S. Forest Service has had to transfer more than $1 billion from other programs within the agency to pay for fighting wildfires;

WHEREAS, these fire transfers deplete resources from vital fire prevention and mitigation programs, including forest restoration and management activities to reduce future fire risk;

WHEREAS, increased fire activity can have substantially negative impacts on air quality, water quality, greenhouse gas emissions as well as reduce downstream water storage as sediment runoff lowers the effective level of dams and reservoirs;

WHEREAS, reduced restoration and mitigation funding also makes it easier for invasive pests and diseases to infest vulnerable forests;

WHEREAS, anticipated changes in climate will also cause fire risk to escalate in drought-ridden regions, further increasing wildfire suppression costs; and

WHEREAS, federal funding for wildfire suppression is currently allocated using the 10-year average cost for wildfire suppression activities; and

WHEREAS, the National Conference of State Legislators (NCSL) recognizes that wildfires must be managed on a regional basis and that increased risk for wildfires on federal lands ultimately will lead to increased costs for state wildfire programs.

BE IT RESOLVED…. That NCSL urges Congress to address the budget structure of wildland fire accounts. NCSL believes that any federal policy on wildfires should minimize
the risk of fire transfers from prevention and mitigation programs and support federal actions that would fund catastrophic wildfires similar to natural disasters.
A resolution of the National Conference of State Legislatures, urging the federal government to carefully examine a proposed merger of agricultural input companies.

WHEREAS, America’s farmers provide food, fiber, and fuel for this nation and a growing world population; and

WHEREAS, farmers currently face significant financial challenges due to low commodity prices and no commensurate reduction in cost for inputs such as seed and fertilizer; and

WHEREAS, both farmers and consumers benefit from true competition in agricultural input markets; and

WHEREAS, excessive consolidation in the agricultural input sector has the potential to stifle innovation, create barriers to entry for smaller companies, and lead to higher prices and limited choices for farmers and consumers; and

WHEREAS, these impacts would have significant negative effects on state economic output, particularly in rural areas; and

WHEREAS, the proposed merger between Dow Chemical and DuPont could create the country’s largest biotechnology and seed company in an industry that has already undergone significant consolidation in recent years; and

WHEREAS, the Antitrust Division of the United States Department of Justice is charged with enforcing section 7 of the federal Clayton Act and prohibiting mergers that would substantially decrease market competition; and

WHEREAS, the Antitrust Division’s efforts ensure that farmers and consumers benefit from competitive markets for agricultural inputs and the abundant production, competitive
prices, innovation, and efficiency that result when markets function free from anticompetitive interference; and

WHEREAS, the Clayton Act empowers the Antitrust Division to stop or modify a proposed merger to prevent economic harm that would be more difficult to address once the merger is finalized; and

WHEREAS, the Antitrust Division has scrutinized and successfully blocked or modified several agricultural mergers resulting in substantial benefits for farmers and consumers, including the proposed mergers of Monsanto and DeKalb Genetics Corporation (1998), Cargill and Continental (1999), Case and New Holland (1999), Monsanto and Delta & Pine Land (1999); and Syngenta, Astrazeneca and Advanta (2004);

NOW, THEREFORE, BE IT RESOLVED by the National Conference of State Legislatures that it urges the Antitrust Division of the United States Department of Justice to carefully examine the proposed merger between Dow Chemical and DuPont in order to protect American farmers and state economic output from the negative effects of excessive consolidation and uncompetitive markets for agricultural inputs.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Attorney General Loretta Lynch, President Barack Obama, and all members of Congress.
WHEREAS, as many rural hospitals have recently closed, air ambulance services have become increasingly necessary and are being used more frequently to transport patients to faraway hospitals in an emergency; and

WHEREAS, competition among air ambulance services have increased costs; and

WHEREAS, air ambulance services can cost patients tens of thousands of dollars out-of-pocket when companies do not accept a patient’s insurance, and emergency patients rarely have the capacity to choose their own air ambulance company; and

WHEREAS, some air ambulance companies refuse to reveal actual costs to insurers, and some insurers are unwilling to pay market value for the service; and

WHEREAS, federal government Medicare reimbursements cover only a small portion of the actual cost of an air ambulance, forcing air ambulance companies to charge patients more; and

WHEREAS, under the Airline Deregulation Act, states cannot regulate routes, services or prices of air ambulances; and

NOW, THEREFORE BE IT RESOLVED THAT, NCSL supports state sovereignty in air ambulance regulation in order to protect patients from overwhelming financial burdens for emergency medical services; and

BE IT FURTHER RESOLVED THAT, NCSL urges Congress to amend the Airline Deregulation Act in order to provide states the authority to enforce insurance regulations on air ambulance providers to protect consumers.
The Clean Air Act Implementation

The National Conference of State Legislatures (NCSL) fully supports the goals embodied in the Clean Air Act Amendments of 1990 (CAAA) and urges the U.S. Environmental Protection Agency (EPA) to proceed diligently with full implementation of the law to achieve clean air for our citizens. It is essential that Congress and the EPA fulfill their responsibilities to facilitate implementation by the states.

NCSL makes the following recommendations:

- Implementation of the CAAA is the responsibility of the states. NCSL encourages Congress and the EPA to pay particular attention to the voices of that state expertise and experience.

- Communication with state legislators is of utmost importance because only state legislators can enact enabling legislation for state programs and appropriate state funds. Congress and the EPA should regularly and directly work with state legislators during federal action on air quality issues.

- EPA should work closely with states to assist them in developing all regulations, technical assistance and funding necessary for compliance. Furthermore, EPA should support any state regulation that enables that state to meet or exceed the CAAA standards.

- Federal grants authorized under the CAAA provide financial resources to the states for development and implementation of air quality programs and other clean air responsibilities. Congress and the EPA must ensure that states continue to receive adequate funding to cover all costs of program management including monitoring.
Because the states have existing air pollution control programs to administer with current federal funding, any new air quality programs or responsibilities mandated by Congress or EPA should be accompanied by additional federal funding.

NCSL urges EPA to provide as much administrative flexibility as the law allows in order to achieve clean air goals in the most cost effective and efficient manner.

Cost-effectiveness should be permitted as a factor in state selection of transportation control measures and emissions control strategies.

NCSL urges EPA to meet all deadlines for publication of documents required under the CAAA. NCSL urges Congress to amend the law to replace statutory deadlines for state action with language that provides a specific time period for state compliance after document publication.

NCSL urges EPA to act expeditiously to enact the required regulations necessary to reduce emissions from federally preempted sources. Failure to act to require emission reductions from federally preempted sources can impede a state’s ability to achieve attainment in some areas despite any and all actions available to a state in development of their state implementation plans.

NCSL urges Congress to develop and implement sustainable management policies which will reduce fuel loadings on federal lands, thereby reducing emissions from catastrophic wildfires and improving carbon sequestration on those lands.

EPA should provide training opportunities for states to help develop the skills and understanding needed to properly implement the CAAA. In addition, EPA should provide informational resources to help the public understand its role in achieving CAAA goals.

Congress and EPA should take maximum advantage of tools and strategies to reduce emissions from mobile sources including but not limited to promoting alternative fuels and encouraging strict exhaust standards for light duty vehicles.
• Federal highway legislation should be made consistent with CAAA objectives. The EPA and the Department of Transportation (DOT) should work together to ensure coordination of federal policy.

• NCSL urges the adoption of national energy, transportation and other policy that emphasizes energy conservation in order to help achieve the goals of the CAAA. This should include strengthening of emission standards for automobiles as technologies improve, more energy-efficient lighting, buildings, and transportation, and more research and use of alternative forms of energy advanced energy resources. The federal government should allocate a significant portion of incentive funding to states that establish progressively increasing solar renewable energy standards, supported by mutually-beneficial net-metering policies made available under value-of-solar rate tariffs.

• NCSL urges the federal government to expeditiously apply the same CAAA requirements to federal facilities and motor vehicle fleets that are required for state facilities and fleets.

Multi-Pollutant Legislation

NCSL further believes that national efforts to fully implement the CAAA, to maintain and enhance air quality at the local, state and national level requires Congressional action on multi-pollutant legislation.

NCSL urges Congress to act expeditiously on multi-pollutant legislation to provide certainty in a time of limited federal and state resources and to enhance the impact of this federal program which is implemented at the state level. New legislation enacted by Congress should ensure the ability of all stakeholders to move forward with air pollutant emission reductions, enhance the environment and protect public health while providing a stable planning environment for energy providers and consumers.
NCSL recommends that:

- New federal standards should maintain and renew the commitment to statutory authority for states to enact state environmental standards that are more stringent than their minimum federal counterparts.

- New federal standards should acknowledge the existence of state programs and agreements in accord with these standards and should not preempt their continued implementation.

- New federal standards should be accompanied by adequate federal funding and technical assistance that are essential to state efforts to implement complete and adequate state programs that fully comply with these standards.

- New federal standards should provide states with maximum flexibility to apply the law effectively to all sources of emissions and ensure achievement of clean air goals in the most cost effective, timely and efficient manner for each state.

- New federal standards should allow states to maintain all of the enforcement tools available to states under the CAA to ensure compliance with state implementation of federal regulations.

- New federal standards should permit states to allow sources to trade emissions reductions and protect state authority to restrict which emissions may or may not be traded within a state's borders.

- New federal standards should allow for regional air planning coordination among states whenever they agree to address and act on issues with regional air quality implications.

Sanctions

- States should not be sanctioned for non-compliance if state's failure to comply was the result of EPA's failure to adhere to CAAA deadlines for promulgation of regulations or technical guidance that provide details and requirements of state programs.
EPA should have the authority to waive sanctions on states that EPA determines are making reasonable good faith efforts to comply with CAAA requirements and deadlines.

New Source Review Program

NCSL urges the Environmental Protection Agency (EPA) to reform the NSR program to achieve improvements that enhance the environment and increase production capacity, while encouraging efficiency, fuel diversity and the use of resources without weakening the requirements intended to reduce emissions from new or modified sources of air pollution. Routine maintenance, repair or replacement activities, which are not major modifications, should not trigger NSR requirements.

Motor Vehicle Inspection and Maintenance

NCSL believes that:

- States should be granted flexibility to design inspection and maintenance (I/M) programs that achieve air quality targets and should receive full credit for emissions reductions those programs achieve.

- Congress and EPA should not require the states to use specific I/M technologies. Such rigid federal requirements may fail to account for technological advances in emissions testing programs and equipment.

Alternative Fuels and Alternatively Fueled Vehicles

NCSL urges the federal government to encourage an increase in the research, development and promotion of alternative fuels derived from domestic sources and alternatively fueled vehicles, including their commercial production and use, and to devote federal funds to evaluate the environmental and economic impacts of alternative fuels and alternatively fueled vehicles. The primary purpose of these efforts should be reducing the level of air pollutants and other emissions, reducing U.S. dependence on foreign oil, and providing a low cost, reliable energy source. NCSL further urges Congress to develop policies to encourage domestic manufacture of the infrastructure and equipment necessary to produce alternative fuels.
NCSL recommends the exploration and evaluation of all forms of alternative domestic fuels and alternatively fueled vehicles in order to reduce the incidence of toxic air emissions. NCSL recommends caution in promoting the replacement of traditional fuels with alternative fuels that could result in other pollution problems.

NCSL supports a federal Clean Alternative Fuels program that includes but is not necessarily limited to methanol, ethanol, or other alcohols, reformulated gasoline, ultra-low sulfur diesel, biodiesel, natural gas, liquefied petroleum gas, and hydrogen or other power source (including electricity). However, NCSL recommends that this program take into account other uses of source products, i.e. grains, when making recommendations for fuel usage or setting new national standards. Furthermore, NCSL urges Congress to improve the availability of source materials from our federal lands in accordance with multiple use mandates.

NCSL is concerned that the further development of alternative domestic fuels, alternatively fueled vehicles and conservation devices will depend, at least in the near future, upon the continued availability of tax credits designed to encourage investment in these technologies.

While tax credits and exemptions are important to the creation of an alternative fuels market, NCSL recognizes their negative fiscal impact on the overall federal budget, as well as inequities in the Highway Trust Fund. Consequently, NCSL urges Congress to:

- Encourage the use of alternative fuels through incentives that will increase the production and development of new vehicles with alternative fuels capability and vehicle conversion, in lieu of alternative fuels tax exemptions.

- Make federal tax credits available to alternative fuel production facilities should be extended for a limited time.

- Phase out the tax credits for the research and development of alternative domestic fuels and alternatively fueled vehicles when the technology or changing policies relating to petroleum-based fuels makes the product competitive in the market place.

- Retain state taxing authority to ensure that alternative fuels are competitively priced in an effort to mitigate the state-specific impact of these and other federal policy changes.
NCSL believes that there should be no warranty invalidation incurred by a provider if ASTM standards are met for the fuel and the vehicle is approved for that fuel.

In areas required under CAAA to utilize reformulated gas (RFG) or oxygenated fuels, selection of alternative fuel additives should be left to the discretion of the affected state, where costs, safety, and economic and environmental impacts can be considered.

With regards to fuel additives, NCSL recommends the following:

- Prior to approval of fuel additives, U.S. EPA should examine public health benefits and cross-media implications.
- Any fuel requirements should be in the form of performance-based goals. No specific chemicals or other additives should be prescribed in order to maximize state flexibility to achieve the goals.
- Any fuel requirement should be based on anticipated air quality benefits.

**Low Emission Vehicles and Zero Emission Vehicles**

NCSL believes that:

- EPA should maintain national Low Emission Vehicle (LEV) standards, referred to as the 49-state car, that are stricter than the law requires. States should be allowed, but not required, to adopt Zero Emission Vehicles (ZEV) requirements.

**Clean Diesel**

The NCSL supports the priority given to diesel retrofit projects under the Congestion Mitigation and Air Quality Program. NCSL believes that, due to the cost-effectiveness of diesel retrofit projects, funding should be substantially increased and provided for the Diesel Emissions Reduction Program administered by the EPA and that this funding should not jeopardize the availability of retrofit funding through federal supplemental environmental projects. NCSL further believes that the EPA should maximize efforts to ensure that diesel-fueled vehicles entering the United States from bordering and other foreign countries should meet or exceed U.S. and state environmental standards.
Transportation Conformity with State Air Quality Plans

NCSL supports the principles underlying transportation conformity provisions of the Clean Air Act that requires new or revised state transportation implementation plans (TIPs) to conform to the purpose of state air quality plans, also referred to as state implementation plans (SIPs).

Furthermore, NCSL believes that:

- Adequate funding should be made available to cover the cost of the resource-intensive requirements for development, revision and implementation of conforming TIPs.
- In evaluating the emissions budgets submitted by states, EPA should ensure state flexibility in balancing the burden of reduction among all air pollution sources.
- Conformity requirements should be limited to nonattainment areas and areas at risk of becoming nonattainment.
The National Conference of State Legislatures (NCSL) urges the federal government to renew its commitment to the state-federal partnership for environmental protection.

State governments, acting in partnership with the federal government, play an indispensable role in our mutual effort to protect natural resources and combat environmental degradation and pollution. State implementation of federal law is the cornerstone of our current system of environmental protection. States are particularly dependent upon federal pollution control laws to address the interstate migration and affects of pollutants. Given the increasing trend of delegating more authority to the states, it is essential that the federal government not abandon its commitment to uniform minimum federal standards, the state-federal partnership and the very laws and agencies that guarantee the success of our partnership.

In furtherance of the above, the following principles should guide NCSL's federal lobbying efforts with respect to the state-federal environmental partnership:

- NCSL supports the prevention of pollution at its source and believes that federal legislation and regulation, through delegated authority to the states, should encourage the implementation of activities designed to minimize the generation of hazardous pollution by regulated entities.

- NCSL further supports federal funding of pollution prevention research and development, training, technical assistance, and regulatory guidance for states.

- The present level of commitment and funding for natural resource and environmental protection efforts should be enhanced; specifically, the federal government should prevent efforts to further erode its commitment to provide technical support, research and financial assistance to states and avoid further cost shifts to the states.
• The federal government should provide funding to the states in the form of block
grants that provide for maximum state flexibility to use federal monies in the manner
which they deem proper and in a manner which is consistent with their intended
purpose.

• Environmental protection should be based on a holistic comprehensive, flexible and
integrated program that addresses environmental issues, the nation’s broader
economic prosperity, and policies that ensure long-term energy affordability &
reliability.

• Uniform minimum federal standards for environmental protection should be
preserved and strengthened.

• Statutory authority for states to enact state environmental standards that are more
stringent than their minimum federal counterparts should be maintained and
renewed.

• Within the framework of uniform minimum federal standards, states should have
maximum flexibility in devising approaches and methods for obtaining compliance
with such standards. The federal government should adopt performance-based
standards which prescribe the end to be accomplished and leave the means of
obtaining the end up to individual states. In return for this new level of autonomy,
the federal government should adopt a system of performance audits and
objectively quantifiable benchmarks that would allow the federal government to
certify state performance results in meeting uniform minimum federal standards.

• Implementation schedules established under the framework of uniform minimal
federal standards should ensure that the time to deploy emissions control
technology reflects normal construction industry experience, technology availability
and practices that maximize order and efficiency to avoid wasteful financial
expenditures and any risks to energy reliability.

• Within this framework, states should have the flexibility to work with utilities to
coordinate the closure and retrofitting of existing power generation stations in a
manner that will ensure the continued supply of electricity and that will allow power
generators to upgrade their facilities in a manner that provides reasonable cost
while attaining environmental compliance. State flexibility should allow for
regulatory options for units that are necessary for grid reliability, that commit to
retire or repower and establishing interim progress standards that ensure
generation units meet EPA regulations in an orderly, cost-effective manner.

- There should be consistent, uniform and vigorous federal enforcement of
environmental laws to deter non-compliant behavior and to reward those who are
acting in compliance with such laws. The federal government should continue its
present role of overseeing the efficacy of state efforts to enforce uniform minimal
federal environmental protection standards.

- In light of the Supreme Court rulings in Seminole Tribe of Florida v. Florida and
Alden v. Maine, which suggest that citizens will no longer be able to sue states in
federal court for violations of federal environmental protection laws, the federal
government needs to allocate adequate resources to ensure compliance among the
states.

- Cost-benefit analysis should be performed in environmental decision making.
Sound public policy decision making demands that benefits should be proportionate
to costs, after factoring in the totality of the circumstances. However, cost-benefit
analysis should not be the only determinative factor in any environmental decision
making process. Rather, such an analysis should be one of the many tools that
inform decision makers in formulating sound public policy. In the face of uncertainty
in devising analytical methods, any default assumptions that are employed should
favor enhanced environmental protection.

- In order to finance environmental protection efforts, Congress should create funding
mechanisms that consistently generate revenue solely for such uses. All monies
from such funds should be fully appropriated for their intended uses.

- NCSL supports a citizen's right to access public information. NCSL supports "right-to-know" laws and other statutory and regulatory mechanisms that readily provide
public access to public information while acknowledging the need to balance this right with security concerns relating to the distribution of sensitive material such as water security information regarding water infrastructure and sources of supply.

- NCSL supports the preservation of state authority to enforce chemical security standards that are more stringent than those established by the federal government; finally.

- NCSL opposes any attempt to preempt or circumvent the authority of state courts and local administrative bodies. Proposed federal legislation that would centralize decision-making in the Federal courts for compensation for land use and other regulatory actions represents a major threat to our Constitutional system of federalism. Improving the efficiency of the state and local judicial process is an issue for state legislatures, not Congress. Land use and regulatory policy must remain a primary responsibility of the states. The authority of state courts must be preserved.

- **NCSL opposes federal trade agreements containing mechanisms that undermine state environmental laws and regulations -- or that usurp state authority to set and maintain environmental policy and investments in the public interest -- including tactics such as “regulatory cooperation entities,” “harmonization,” “mutual recognition,” “international standardization,” “reducing trade irritants” or other means by which the Constitutional powers or decisions of the states could be directly or indirectly overridden, modified or preempted.**


- NCSL believes federal environmental health regulations require more and better data about the unique exposure patterns and sensitivities of children who are
uniquely vulnerable to environmental exposures because they are in a dynamic state of growth, with many vital systems not fully developed upon birth.

- NCSL supports consideration of the sensitivity of children to environmental contamination in all federal environmental policy, legislation, and regulation.

- NCSL supports federal funding for health research on the effects of exposure of children to environmental toxicants, and consistent reporting and tracking of birth defects, cancer, and other relevant diseases in children.
Federal Land Policy Management Act (FLPMA)

The Federal Land Policy Management Act (FLPMA) provides for perpetual federal retention of public lands unless it is in the national interest to dispose of a particular parcel.

Ninety-three percent of all lands under federal jurisdiction in the United States are located in the West, and over sixty-three percent of the land area in the twelve western states is federally controlled. Further, many federal and non-federal lands are intermingled. This limits the western states’ prerogatives in managing the uses of their own land and further limits the potential base of the states’ economies. Units of governments whose property tax revenue bases have been reduced by large federal land holdings also require adequate funds to help make up the shortfall. With perpetual federal retention, Congress must assure state payments in lieu of taxes in perpetuity.

Federal-state relations regarding federal agency land planning vary widely and suffer from a lack of specificity on how and when cooperation should take place. No meaningful mechanism currently exists in the wilderness review process for the involvement of legislatures as the state policymaking bodies.

The National Conference of State Legislatures (NCSL) urges all federal agencies involved in the management of public lands to incorporate within their policies and regulations provisions for a continuous and cooperative involvement of state governments in public lands policy and public lands management. Furthermore, NCSL supports remedial legislation which will guarantee a state and tribal role in public lands management and establish procedures for designations, disposition, or use of certain public lands found to be excess property.

Federal agencies managing federal land should assure that uses, both on-site and off-site, do not cause adverse environmental impacts on the federal land or other adjacent lands or...
waters and provide special protection for wetland resources in light of the goal of no loss of wetlands.

As Congress considers funding for federal agencies with public land management responsibilities, NCSL recommends that Congress assure appropriations sufficient for the full and proper execution of the agencies' legislative mandates to process lease applications properly and expeditiously and protect the environment during increased energy development.

If a federal wilderness designation occurs, state and/or tribal "inholdings" in wilderness areas should be purchased, or exchanged with lands of equal or greater value outside of these areas as designated by FLPMA.

NCSL also urges the establishment of an interagency coordinator or coordination program to facilitate tribal governments, state agencies and communities to address all relevant agencies in a "one stop" manner.

Takings and Land Use Authority

NCSL strongly opposes any federal legislation or regulation that would: 1) attempt to define or categorize compensable "takings" under the Fifth Amendment to the United States Constitution; (2) interfere with a state's or tribe's ability to define and categorize regulatory takings requiring state or tribal compensation; (3) preempt state or tribal eminent domain constitutional provisions or statutes; or (4) infringe on state or tribal sovereignty under the Eleventh Amendment. NCSL supports collaborative examinations of state, tribal and federal use of eminent domain authority.

Conservation Easements

NCSL urges Congress to enact legislation to make permanent the tax deduction for charitable contributions by individuals and corporations of real property interests for conservation purposes through conservation easements.
Readiness and Environmental Protection Initiative

The Department of Defense (DOD) Readiness and Environmental Protection Initiative (REPI) enables DOD to work with partners to protect valuable habitat and avoid land use conflicts in the vicinity of priority installations. Maintaining availability, accessibility and capability for realistic training, live fire testing and other operations is crucial to ensuring a trained and ready force to support the DOD mission to fight and win the nation’s wars.

REPI provides significant and long term benefits to the people and the landscape in communities surrounding military installations. It enhances military readiness; protects high value habitat; strengthens military/community relations; and provides the opportunity for partnerships among key stakeholders, such as state, tribal and local governments and the military. NCSL supports REPI and believes there is a limited window of opportunity for REPI partnerships to protect land and habitat in support of military training and testing. In addition, the increasing numbers of willing sellers in the existing real estate market present significant near-term opportunities to leverage REPI funding with state, tribal and local partners.

NCSL applauds the United States Congress for recognizing the critical need to protect DoD bases and the limited window of opportunity to do so, and for continuing its strong bipartisan support for REPI.

State-Federal Partnerships In Land Management Around Federal Facilities

The NCSL calls on Congress and the Administration to enable and encourage federal agencies to enter into formal partnerships with state or tribal governments to enable the better management of land in and around military and other federal facilities. Such partnerships will enable states, federally recognized tribes, local communities and the federal facilities, ranges, and training air/sea/land space they serve to work jointly on matters of importance to all stakeholders. The adoption of memorandums of understanding or other agreements between federal agencies, tribal governments, and/or state wildlife, parks, and environment agencies will establish a mechanism for the federal agencies to:

- assist tribal governments and state agencies to acquire landowner agreements around military facilities;
• assist tribal governments, communities and states to be better prepared for the next BRAC round by ensuring mission capabilities at military facilities; and
• identify within the federal agency the person or office to whom tribal governments, state agencies and communities may contact for assistance in coordinating conservation easement/contracts or other appropriate negotiated transaction.

In partnering with such agencies as the Department of Defense (DOD), the U.S. Department of Agriculture (USDA), the U.S. Department of Interior (Interior), and the U.S. Army Corps of Engineers (Corps) states, tribal governments and local communities will be able to:

• protect water resources benefiting tribal governments and local communities and federal facilities ranges, and training air/sea/land space;
• improve wildlife habitat around federal facilities, ranges, and training air/sea/land space and throughout the state;
• expand public understanding of how critical tribal and state land conservation actions are to protect the mission and economic welfare of federal entities;
• expand public support for federal assistance of state efforts to acquire permanent conservation easements, contracts or other appropriate negotiated transactions and long term leases with landowners to protect federal installations from civilian encroachment that will adversely impact mission capabilities and economic benefits to communities, and increase land for contract training;
• expand state agency, private landowners, and DoD facilities' ability to develop longitudinal training capabilities through partnerships that expand training opportunities in combination with preserving agricultural lands; and that permit federal and national guard training areas to be linked for expanded joint training; and
• encourage tourism to the conservation lands acquired by state agencies.
Jurisdiction for federal water projects is scattered throughout agencies of the federal government and committees of Congress. The National Conference of State Legislatures sees a need for clearer, more coordinated and more consistent federal policies. These policies, however, should recognize and build upon the constitutions, statutes, policies and programs of the states as the fundamental basis for a truly national effort toward better water resources management. The federal government should recognize that water resources policy can and must be developed at the state level. The appropriate role for the federal government should be to provide technical, research and financial assistance to the states at their request.

NCSL endorses the following principles:

- Primary authority and responsibility for water resources management functions, including planning, development and regulation, rest with the states and their delegated interstate agencies. Water resources management, wetland protection, coastal zone management, and soil conservation projects should be clearly delineated by Congress as the primary responsibility of the states and their delegated interstate agencies, with federal oversight.

- A national water conservation initiative should be undertaken to encourage water conservation at the federal, state and local levels. Functions, such as navigation and flood control and other issues at the prerogative of the state, should continue to be shared with the federal government to the degree appropriate. Federal policy must recognize and respect the rights of the states to administer their individual water laws and to manage their water resources.

- The role of the federal government is four-fold: (1) to establish a framework of national objectives developed in cooperation with the states; (2) to provide assistance to the states in the development of programs to meet state needs within
such a framework; (3) to be consistent with such state programs to the maximum extent possible when undertaking direct federal actions pursuant to the national interest; and (4) to coordinate agency activities through a national coordinating entity reporting directly to the President and with provision for adequate state and public input.

The responsibility of the federal government is to establish, in full cooperation with states and other appropriate interests, national objectives for the protection, management, restoration, development, and use of water and related resources to meet national economic, environmental and social objectives and to assist in implementing such policies in federal actions and through assistance and support for state actions.

The essential steps toward orderly, efficient and balanced water resources management are to recognize the primary responsibility of the state and to put each state in the position to secure, in cooperation with local governments, coherent water management strategies.

Federal policy should be directed toward strengthening the capacity of the state to act as the integrator and manager of all programs affecting the water resources of the state. To do so effectively, states need:

- Realistic and dependable financial support to integrate management activities through expansion of provisions for state assistance;
- Full funding of authorized programs consistent with congressional intent;
- A common platform for compiling and accessing data across programs and agencies that is available to local, state, interstate and federal stakeholders; and
- Assurance that direct federal actions will be consistent with state programs, responsive to national policy, and carefully evaluated against mutually agreed upon standards.
Federal actions, projects and programs must be consistent with adopted state and
interstate water and related resources plans and programs.

Greater flexibility in the entire federal support system for water resource planning
and management.

Federal project evaluation, planning, financing, cost sharing, and cost recovery
policies should be reviewed and simplified.

Project evaluation should promote equal consideration of both structural and non-
structural solutions.

Many existing water programs create inherent financial biases which favor certain
solutions to water problems over others, sometimes resulting in the approval of programs
of only marginal utility. Accordingly, NCSL urges that:

Cost-sharing policies should be consistent among alternative means for achieving
the same purpose.

Cost sharing policies should be consistent among federal agencies for the same
purposes. There should be no financial grounds for non-federal participants to
"shop around" for the best deal.

The public participation requirements of project planning and evaluation criteria
should be aggressively carried out.

**Water Conservation**

Water conservation must be a fundamental consideration in all future water management
programs.

Accordingly, NCSL recommends:

A national water conservation initiative implemented by the states as a part of their
total water management programs with federal financial and technical assistance
including a component for evaluation of the true benefits and costs of conservation;
• Encouraging comprehensive management of intermittently available freshwater resources to maximize the availability of surface and groundwater supplies;

• Closely examining the incentives and disincentives for encouraging conservation, recycling and reuse of water;

• Examining and promoting where feasible the practices of conjunctive use of water supplies; and

• Congress fund research into the use of saltwater or grey water sources as an alternative to the continued use of scarce freshwater resources.

Among water research programs, no specific mechanism exists which focuses the water research establishment on the planning and management concerns of the nation's principal water managers---the states.

As such, NCSL recommends that:

• The research agenda of both the federal agencies and the federally-supported water resources research centers be developed in conjunction with the expressed research needs of the state.

• Congress should recognize state primacy over all water rights within each state’s boundaries and bring to closure the debate on the Federal Reserved Water Rights Policy.

• Congress should respect and encourage state compacts for sharing and managing water resources.

**Wetlands**

NCSL supports a wetlands program that is flexible to balance the competing and legitimate demands for conservation and use of the Nation's resources.

NCSL urges Congress and the Administration to:
• Reaffirm the national goal of eliminating the net loss of both wetlands acreage and wetlands habitat values, as a result of any activities, and of increasing both wetlands acreage and wetlands habitat values;

• Designate a single federal agency to be the lead agency responsible for the overall development, implementation, and enforcement of a national wetlands policy in partnership with the states;

• Facilitate the delegation of wetlands protection programs to the states and provide technical and financial resources to assist states in developing and operating their programs;

• Establish a clear preferred sequence of mitigation options that begins with avoidance of adverse effects on wetlands followed by a reduction of unavoidable adverse effects, and allowing compensation by creating, replacing or restoring within the same ecosystem; and

• Recognize that private landowners have an economic stake in wetlands resources and establish a strong program of economic incentives that encourages and assists the private sector to exercise its management responsibilities in a way that will protect the public values wetlands provide while contributing to a reasonable return on investment.

Federal agencies, in conjunction with states, the private sector, and nonprofit groups should expand their educational outreach programs.

The U.S. Army Corps of Engineers and the EPA should agree on strategies for effectively and expeditiously monitoring, verifying, and enforcing permits authorizing activities in wetlands. In addition Congress and other regulatory authorities should take any necessary action, including amending existing laws to prevent the willful alteration of wetlands characteristics to circumvent regulatory jurisdictions.
Aquatic Nuisance Species

To combat the threats to biodiversity in the nation's coastal and estuarine habitats as well as inland navigable waters that are associated with aquatic nuisance species and to help prevent their introduction into state waters, NCSL calls on Congress to:

- Reauthorize the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990;
- Provide for improved means for preventing the introduction of aquatic nuisance species;
- Increase the support for international, national, and state efforts to control and manage aquatic nuisance species; and
- Increase research and technical assistance resources available to federal, state, and local officials.

Water Pollution Control

NCSL urges that:

- Congress fully fund the Sewer Overflow Control State Grants Program;
- Congress separately appropriate full funding for non-point source pollution and ensure the effectiveness of the provisions of this program to restore and protect our nation’s waters;
- Congress initiate an incentive program to encourage water conservation in the states;
- Congress authorize and fully fund new grant programs for wastewater and drinking water infrastructure developments;
- **Nutrient pollution be prioritized as a water quality improvement objective in the Mississippi River basin and wherever such pollution from pervasive point**
and non-point sources creates serious hypoxic conditions in waters of economic, ecological and/or recreational significance;

- The federal government foster and assist in the financing and support of working groups of state legislators within major watersheds where water pollution is a multi-state responsibility, with such working groups or compacts formed to coordinate the development of strategies, policies, statutes, regulations and spending priorities for the attainment of clean water, including goals, timelines and accountability for performance.

- EPA strengthen pretreatment pollution prevention requirements to reduce the amount of hazardous waste flowing to waters from wastewater treatment plants and from contaminated sludge; and that

- Uniform national wastewater monitoring standards and protocols should be required to assure achievement of water quality objectives, fair and uniform enforcement, and full disclosure of contamination.

**Drinking Water**

NCSL urges Congress and the Administration to increase federal appropriations for safe drinking water programs to necessary levels that also takes into account recent developments across the country regarding lead contamination. A special consideration for financial assistance should be given to those states that have communities and water systems that have limited resources to deal with the requirements of the Safe Drinking Water Act (SDWA). States should receive additional federal financial assistance in order to develop and maintain the administrative and technical capacity needed to implement the program's mandated objectives.

Furthermore, NCSL supports the following provisions:

- States should have the authority to prioritize activities based on state public health needs.
• States should be able to use federal drinking water funds to consolidate public water systems when it is economically or environmentally beneficial, and/or in the best interest of the public health.

• Congress should direct EPA to base its standards on scientifically sound principles for protection of human health. The ability of EPA to require water systems to test for additional contaminants must take into account the human health risk posed by the contaminant. Congress should adequately fund EPA's research efforts to develop scientifically sound standards which will assure safe drinking water.

• EPA should be directed to work closely with primacy states in establishing a comprehensive program of water testing which recognizes the potential of contaminants based upon source, storage and delivery of water. Human health protection should be the basis for establishing any contaminant management program.

Disapproval or withdrawal of primacy should not result in a decreased level of public health protection in that state.

**State Revolving Funds (SRFs)**

With respect to the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF), NCSL supports the following:

• Reauthorization of the CWSRF and DWSRF at levels commensurate with state needs.

• States should be able to extend the life of SRF loans as necessary to accommodate low-income communities provided the loan repayment period does not exceed the useful life of the project.

• States should be able to use the interest earnings from the SRF monies for grant assistance to low-income communities, or for other related projects as determined by the individual state.

• States should be allowed to use at least 6-8% of SRF funds for administrative costs.
States should be able to use SRF funds to consolidate public water systems when it is economically or environmentally beneficial, and/or in the best interest of the public health.

In years when federal funds increase by more than 20%, states may request a waiver of the increased match required, with current state funds used for state drinking water purposes qualifying as the match for that year.

Any new requirements applied to the CWSRF or the DWSRF should not be applied retroactively to funding already in the SRF or projects currently in progress.

**Stormwater Management**

NCSL urges Congress and the Administration to:

- Commit to and provide full funding and resources for combined sewer overflows (CSOs), sanitary sewer overflows (SSOs) and storm water wet weather discharges.
- Include a federal cost share of at least 50 percent of the cost of remediation.
- Establish a zero-interest, or low interest, loan program for homeowners and businesses required to implement storm water management programs.
- Wet weather management funding should be in addition to, and not replace, other Federal funding programs.

NCSL further urges Congress and the Administration to:

- Authorize state environmental agencies to grant waivers for both municipal and private sector implementation based on economic hardship.
- Direct the EPA to encourage evidence-based abatement methods and promote compliance using alternative methods of abatement that are least costly to implement.

**Groundwater**
NCSL believes that the development of groundwater policy should take into account or include the following:

- State primacy must be assured in the development of groundwater legislation.
- There needs to be federal assistance available to states in protecting wellhead/recharge areas from contamination.
- A survey of state data collection and research needs should be completed to assess future needs for financial and technical assistance with respect to aquifer mapping, monitoring and classification.
- Any policy should recognize the diversity of hydrologic, climatic, economic, legal, and social factors within various states and regions.
- States' primacy in devising appropriate financing mechanisms for groundwater programs should be continued.
- Where necessary groundwater conservation programs with appropriate financing should be developed jointly by the federal, state and local governments, but implemented by state and local governments.
- A comprehensive review of groundwater contamination from pesticides should be undertaken and recommendations based on this review should be implemented.

**Publicly Owned Treatment Works**

NCSL urges Congress to cooperate with states to eliminate barriers to local government's ability to restructure assets or raise the capital necessary for costly improvements to Public Owned Treatment Works (POTWs). While NCSL takes no position with respect to whether any particular POTW should pursue a public-private partnership, the decision to enter such a partnership should be made by the local unit of government pursuant to state law and local ordinance.
The National Conference of State Legislatures (NCSL) recognizes the substantial benefits to the nation of the U.S. system of waterways and ports by providing access to the world’s markets and the combined efforts of all levels of government and users in sharing the cost of port and waterway development and maintenance. NCSL further acknowledges the distinctive roles played by the states and the federal government in financing waterways and ports. The increase of state and local financial support in recent years should be concomitant with an increased planning authority, which is particularly important for the integration and support of other transportation systems for enhanced waterway and port activity.

Ports

NCSL believes that in order to sustain U.S. leadership in global trade:

- The nation’s ports must receive adequate federal funds to improve and maintain federal navigational channels.
- Congress should adequately fund deepening projects to modernize our ports and make full use of the Harbor Maintenance Trust Fund to maintain the nation’s harbors.
- NCSL opposes the accumulation of harbor tax receipts at the federal level, as it is a break in faith from the purpose of the Harbor Maintenance Tax and results in the imposition of a competitive burden without providing needed improvements necessary to achieve efficiencies to offset added taxes.
Intermodal Connectors

NCSL calls on Congress to significantly increase federal investment in highway and rail infrastructure and provide states added flexibility to improve intermodal connectors and surface transportation systems near the nation’s ports. Where feasible, NCSL also encourages and supports the deployment of ferry crossings.

Maritime Security

NCSL believes that port security is a state-federal partnership, critical to the nation’s homeland security strategy and that states need clear federal direction to ensure that resources are focused on the most needed security improvements.

As such, NCSL supports the Department of Homeland Security’s Port Security Grant Program, which is vital to ports’ abilities to make improvements quickly and comply with the Maritime Transportation Security Act of 2002. Federal assistance should fund federal directives and requirements regarding enhanced security of publicly operated ferries and the inspection of vehicles and freight in order to avoid unfunded federal mandates.

Foreign Imports

NCSL supports:

- Action by the Federal Maritime Commission to restrict foreign cargo shipments from nations that discriminate against U.S. carriers.
- Complying with the requirements, regarding the importation of hazardous materials, of the National Environmental Policy Act to insure proper notification and assessment of environmental impact.

Inland Waterways

NCSL supports the continued predominant federal role in inland waterway capital and operating expenditures due to the interstate commerce nature of this transportation system as well as the implementation of the 2014 Water Resources Reform and
Development Act (WRRDA). NCSL also supports increased investment in the Inland Waterways Trust Fund to repair and modernize the existing infrastructure. **This increased level of investment should come from an increase of the per gallon fuel user fee between $.06 and $.09 as such an increase is already supported by commercial barge and towing companies, the users of the inland waterway system.** The commercial barge and towing companies, joined by a diverse coalition of stakeholders, unanimously and voluntarily requested a 45 percent increase to the per gallon user fee to address the growing backlog of needed lock and dam construction. Congress approved the increase in 2014, and should now increase the federal level of investment to lock and dam infrastructure commensurate with the increasing revenue deposited into the Inland Waterways Trust Fund, to ensure full use of these funds annually, based on industry-endorsed capital investment strategy recommendations on priority projects. NCSL supports the utilization of U.S. Department of Transportation discretionary funds for emergency assistance to states for ports and waterways.

**Waterways—General**

NCSL believes that:

- The role of the U.S. Coast Guard in directing waterborne traffic should be enhanced. As such, adequate emergency response plans should be developed with a review of existing contingency plans. Additionally, Congress should continue to fund the Coast Guard's Integrated Deepwater Systems program while maintaining existing funding for other transportation programs.

- The user fee method of financing expenses incurred primarily for the user's benefit is an appropriate mechanism. However, the effect of such charges in a competitive worldwide environment should be carefully scrutinized. Any assessed fees should be equitable and nondiscriminatory and should be protected in trust fund accounts with their expenditure limited to the purposes for which they were collected. As such, commercial barge and towing should be directed solely to the Inland
Waterways Trust Fund. Recreational boat user fees should be directed solely to boating safety programs. Additionally, user fees should not be assessed on commercial traffic to recover uncompensated benefits to civilian navigation and search and rescue activities.

- A comprehensive liability and compensation system on marine environment should be maintained at the federal level to provide vulnerable states with a means of environmental restoration in the event of a shipping accident, or as a result of invasive species.

- It should be the policy of the United States to require that domestic oil producers and common carriers develop the capability to safely transport crude oil and other liquefied petroleum products and to quickly and effectively contain and clean up oil spills that occur.
We look forward to seeing you at the 2016 Capitol Forum from December 5-8 in Washington, D.C.

For more information, please visit our [website](#).