

**NCSL Standing Committee on  
Natural Resources and Infrastructure**

**POLICY DIRECTIVES AND RESOLUTIONS**

**2022 Legislative Summit**

**\*Submitted Resolutions & Directives as of 6.23.2022\***

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1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: AUTONOMOUS VEHICLES**

3 **TYPE: RESOLUTION**

4

5 The automobile is on the cusp of a technological transformation with the potential to  
6 both revolutionize personal mobility and provide immeasurable safety benefits. As  
7 vehicles that operate on public roads are subject to both state, federal and local  
8 jurisdiction, the National Conference of State Legislatures (NCSL) understands the  
9 need to clearly define state and federal roles as well as avoid unnecessary federal  
10 preemption and burdensome federal mandates.

11

12 **State Authority to Regulate Autonomous Vehicle Testing**

13 NCSL agrees that the National Highway Traffic Safety Administration (NHTSA) should  
14 be the sole entity setting federal motor vehicle safety standards (FMVSS) for  
15 autonomous vehicles, equivalent to their current role for conventional vehicles.

16 However, NCSL strongly believes that states are the sole authority when it comes to  
17 vehicle use—which includes vehicle registration; driver licensing and education; traffic  
18 laws, regulations and enforcement; and insurance and liability. NCSL is opposed to  
19 congressional or administration proposals that would seek to preempt this authority from  
20 states by prohibiting states from prescribing certain standards or regulations related to  
21 autonomous vehicle testing, including requirements related to the presence of a human  
22 driver.

23

24 **FMVSS Exemptions**

25 NCSL recognizes, appreciates, and agrees that authority to issue exemptions of  
26 FMVSS remains solely in the realm of the Secretary of Transportation. However, NCSL  
27 strongly encourages the Secretary (or applicable designated agency) to ensure that any  
28 exemption of existing motor vehicle safety standards provides a safety level at least  
29 equal to the safety level of the that of a nonexempt vehicle. NCSL also encourages the  
30 Secretary (or applicable designated agency) to update FMVSS to account for innovative

31 vehicle designs. NCSL encourages Congress to increase the number of exemptions  
32 granted to a manufacturer to ensure vehicle production is not unnecessarily constrained  
33 pending updates to existing FMVSS. standard. Further, as exemptions are granted,  
34 NCSL implores the department to provide such information to states, in a timely  
35 manner.

36

### 37 **Advisory Councils**

38 NCSL requests that state legislators be appointed to or included in any congressional or  
39 administration task force, council, or other advisory group related to the development of  
40 autonomous vehicles. NCSL encourages congressional and administration task forces  
41 to work with NCSL to help ensure the appropriate states are included.

42

### 43 **Cybersecurity Information Sharing**

44 Cybersecurity is a vital aspect of autonomous vehicles. As vehicles begin to  
45 communicate with each other (vehicle-to-vehicle or V2V) as well with infrastructure  
46 (vehicle-to-infrastructure, V2I, and V2X), the potential risk of cyberattacks and security  
47 breaches greatly increases. NCSL urges both the administration and Congress to both  
48 share any threat information with state governments and to work with states to ensure  
49 that such threats and affected vehicle populations do not become endemic. A  
50 collaborative effort is vital in ensuring such safety.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **CHRONIC WASTING DISEASE**

3 **TYPE:** **RESOLUTION**

4 **WHEREAS**, Chronic Wasting Disease (CWD) affects cervids such as deer, elk, and  
5 moose and has been detected in at least 25 states, according to the CDC's August  
6 2021 survey; and

7

8 **WHEREAS**, the states currently grappling with CWD are incurring significant costs to  
9 respond to the disease, often requiring the wildlife management agencies to divert  
10 limited resources from other vital activities; and

11

12 **WHEREAS**, these diseases create great suffering and death of wildlife and threaten to  
13 infect more animals; and

14

15 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
16 Legislatures urges Congress to provide states with additional flexible federal funds for  
17 research and response to emerging wildlife diseases, such as the Chronic Wasting  
18 Disease Management Act in order to effectively address this multi-state wildlife disease  
19 crisis and enable states to assure their wildlife populations are healthy. These funds  
20 must be provided without federal mandates on state wildlife management.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **MICROPLASTICS RESEARCH**

3 **TYPE:** **RESOLUTION**

4 A resolution of the National Conference of State Legislatures, urging the federal  
5 government to fund research on microplastics in the environment.

6

7 **WHEREAS**, microplastics are pieces of plastic that are less than five millimeters in size  
8 which can result from the disposal and breakdown of products and industrial waste  
9 containing plastics; and

10

11 **WHEREAS**, the majority of plastics in the United States are not recycled; and

12

13 **WHEREAS**, recent studies have shown that microplastics are pervasive in the  
14 environment; and

15

16 **WHEREAS**, microplastics are easily ingested by plankton and filter feeding animals and  
17 are found in many species of wildlife including fish and shellfish; and

18

19 **WHEREAS**, microplastics have been found in bottled water and other consumer  
20 products intended for human consumption; and

21

22 **WHEREAS**, microplastics have been found in human stools; and

23

24 **WHEREAS**, scientists still know little about the effects of microplastics on the human  
25 body or on wildlife; and

26

27 **WHEREAS**, water resources, including drinking water, and soils and sediments are  
28 rarely tested or monitored for microplastics; and

29

30 **WHEREAS**, questions still remain as to the sources of microplastics in the environment,  
31 including the contributions from wastewater treatment facilities; and

32

33 **WHEREAS**, research is needed to understand the impacts of microplastics on the  
34 environment and human health and to develop testing and monitoring protocols.

35

36 **NOW, THEREFORE, BE IT RESOLVED**, by the National Conference of State  
37 Legislatures that it urges to the United State Environmental Protection Agency to  
38 increase research efforts on microplastics.

39

40 **BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Attorney General  
41 William Barr, President Donald Trump, and all members of Congress.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **NATIONAL APPLIANCE EFFICIENCY**  
3 **STANDARDS**

4 **TYPE:** **RESOLUTION**

5 **WHEREAS**, energy efficiency standards as promulgated by the U.S. Department of  
6 Energy following enactment of the Energy Policy and Conservation Act of 1975,  
7 National Appliance Energy Conservation Act of 1987 and 1988 (NAECA), Energy Policy  
8 Act of 1992, Energy Policy Act of 2005 and the Energy Independence and Security Act  
9 of 2007, for appliances, equipment, and lighting protect consumers, are a cost-effective  
10 means to reduce energy and water waste, lower utility bills and decrease pollutants and  
11 atmospheric emissions including greenhouse gas emissions; and,

12  
13 **WHEREAS**, an average U.S. household saves about \$500 per year on utility bills  
14 because of these existing standards; and,

15  
16 **WHEREAS**, U.S. businesses save about \$23 billion annually because of these existing  
17 standards, money that can be invested in jobs or spent in local economies; and,

18  
19 **WHEREAS**, efficiency standards stimulate innovative technologies, which are beneficial  
20 to American manufacturers in a competitive global environment; and,

21  
22 **WHEREAS**, lower energy and water use helps mitigate the need for new utility  
23 infrastructure.

24  
25 **NOW, THEREFORE, BE IT RESOLVED**, that the NCSL urges the Congress and the  
26 Department of Energy (DOE) to fully fund and continue this highly successful program;  
27 and,

28

29 **BE IT FURTHER RESOLVED**, that the NCSL strongly urges DOE to amend standards  
30 as stipulated by law and in accordance with the review schedule dictated by Congress;  
31 and,

32

33 **BE IT FURTHER RESOLVED**, that Congress continue to require DOE to regularly  
34 review standards for appropriate updates and to resist any attempt to repeal existing  
35 standards.



1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **PRESERVATION OF SALINE LAKE**  
3 **ECOSYSTEMS**

4 **TYPE:** **RESOLUTION**

5 **WHEREAS**, the National Audubon Society released a study in 2017 finding that more  
6 than half of the arid West’s saline systems have shrunk anywhere between 50 percent  
7 to 95 percent over the past 150 years;

8  
9 **WHEREAS**, the Great Salt Lake – the largest terminal lake in the Western Hemisphere  
10 – has water levels at the lowest in recorded history, and per the U.S. Geological Survey,  
11 has shown a long-term trend of decline.

12  
13 **WHEREAS**, water leaves only through evaporation at terminal lakes, leaving minerals  
14 and other dangerous contaminants to become airborne toxic dust, causing negative  
15 health impacts for humans and wildlife;

16  
17 **WHEREAS**, saline lakes in the West support global populations of birds, and are  
18 critically important to migratory shorebird species, waterbirds, and waterfowl;

19  
20 **WHEREAS**, it has been proven that decreasing water levels in saline lakes has resulted  
21 in a loss of habitat, decreased water flows and air quality issues; and

22  
23 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
24 Legislatures urges Congress to pass the “Saline Lake Ecosystems in the Great Basin  
25 States Program Act of 2021,” and direct the U.S. Geological Survey “to assess, monitor  
26 and benefit the hydrology” of terminal water systems in collaboration with federal, state,  
27 tribal, and other local stakeholders.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **RECOVERING AMERICA’S WILDLIFE**

3 **TYPE:** **RESOLUTION**

4 **WHEREAS**, habitat loss, wildlife diseases, invasive species, pollution, and the impacts  
5 of climate change pose significant threats to fish and wildlife species; and

6

7 **WHEREAS**, over 1,600 United States’ native species are federally protected under the  
8 Endangered Species Act and estimates suggest one in five native species is at risk of  
9 extinction; and

10

11 **WHEREAS**, State Wildlife Action Plans have identified nearly 12,000 Species of  
12 Greatest Conservation Need (SGCN), including federal and state endangered and  
13 threatened species and other rare and at-risk fish and wildlife species; and

14

15 **WHEREAS**, current funding is far below what is necessary to conserve the species  
16 most at-risk; and

17

18 **WHEREAS**, the Blue Ribbon Panel on Sustaining America’s Diverse Fish and Wildlife  
19 Resources recommended that up to \$1.3 billion a year of existing revenue from energy  
20 and mineral resources development on federal lands and waters be redirected to the  
21 Wildlife Conservation Restoration Program; and

22

23 **WHEREAS**, the Recovering America’s Wildlife Act would provide the additional funding,  
24 providing state wildlife agencies the money necessary to accelerate implementation of  
25 State Wildlife Action Plans; and

26

27 **WHEREAS**, the additional funding will help states to address at-risk wildlife before they  
28 require protection under the federal Endangered Species Act which can be more costly  
29 and disruptive.

30

31 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
32 Legislators urges the President of the United States and Members of Congress to act to  
33 pass and sign into law the Recovering America's Wildlife Act, and

34

35 **BE IT FURTHER RESOLVED**, that copies of this resolution be immediately transmitted  
36 to the President of the United States, the President of the United States Senate, the  
37 Speaker of the House of Representatives, and each member of Congress.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: NATIONAL AGRICULTURE**

3 **TYPE: DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) believes that maintaining a  
5 strong production agriculture capacity is critical to our nation’s strength and is a matter  
6 of national security. NCSL recognizes that decisions affecting American agriculture  
7 must reflect a working partnership of the federal government with the states in both the  
8 formulation and implementation of policy.

9

10 **Agricultural Fiscal Policy**

11 NCSL urges federal efforts designed to enhance farm income while increasing  
12 agricultural exports. Monetary policies must be implemented which promote low interest  
13 rates and maintain dollar exchange rates which enhance the potential for sale of this  
14 nation's commodities in international markets. The federal government must also  
15 maintain a stable financial network capable of supplying adequate amounts of  
16 affordable credit to the agricultural industry. The government must also continue to  
17 search for innovative financing tools which enhance the ability of agricultural producers  
18 to manage risk and stabilize income. In addition, any domestic farm program must work  
19 in conjunction with a strong, aggressive export program which protects and expands our  
20 export markets.

21

22 State legislators should be represented on any working or study group for the purpose  
23 of addressing long term agriculture lending and payment needs established by  
24 Congress or the executive branch. NCSL urges Congress to review the existing  
25 payment limitations for individual farmers and program eligibility requirements to ensure  
26 that they provide support to economically efficient farming operations and promote the  
27 preservation of the family farm. In addition, the Conference recommends that all federal  
28 agricultural adjustment payments, price-support program loans, payments and other  
29 benefits not related to soil conservation efforts be limited to citizens of this country or

30 aliens lawfully admitted for permanent residence.

31

32 **Secondary Market for Long-Term Loans:** NCSL urges the federal government to  
33 work with states to assure that the provisions of the Agricultural Credit Act of 1987  
34 continue to be fully implemented.

35

36 **Bankruptcy law:** NCSL supports federal legislation to permanently extend allowing  
37 farm operations to declare Chapter 12 bankruptcy.

38

39 **Farm Credit System (FCS):** NCSL encourages farm credit institutions to work with  
40 farmer-borrowers to restructure debt. NCSL urges that any disposition of land and  
41 assets held by the System or its units be conducted in an orderly fashion so that such  
42 disposition does not adversely affect the value of those assets or of other property  
43 within the community. NCSL also urges that FCS institutions continue to work with  
44 producers to provide necessary financing for changes in payments and crops resulting  
45 from adjustments to federal programs.

46

47 **Commercial Lending Institutions:** NCSL believes that as federal financial assistance  
48 is provided to member institutions of the FCS, assistance should also be provided to  
49 commercial lending institutions that provide credit to agriculture. Furthermore, Federal  
50 Deposit Insurance Corporation (FDIC) policies and federal bank regulation procedures  
51 must be reviewed to ensure that the maximum assistance is being provided to troubled  
52 borrowers, without compromising the safety and soundness of the institution or the  
53 assets of the FDIC.

54

55 **Agricultural Bonds:** NCSL supports exempting agricultural bonds from the federal  
56 volume cap placed on industrial revenue bonds in each state. Furthermore, NCSL  
57 recommends that the President and U.S. Congress amend the federal Internal Revenue  
58 Code to make the use of agricultural bonds more attractive to banks and other financial  
59 institutions. NCSL also recommends that the federal government permit deductibility for  
60 loans financed by issuers that are not necessarily small issuers as defined by the

61 Internal Revenue Code.

62

63 **Crop Insurance:** NCSL supports a state-federal partnership to develop a fair and  
64 affordable crop insurance program that complements other risk management tools  
65 available in the marketplace for all crops. NCSL supports an efficient program that  
66 promotes informed production and management decisions. NCSL also supports federal  
67 efforts to encourage private-sector development of innovative risk management tools.  
68 However, any plan for crop insurance must not adversely impact a state's ability to levy  
69 premium taxes, regulate the business of private insurance or set solvency standards for  
70 private crop insurers.

71

## 72 **Marketing**

73 NCSL seeks a federal policy that will sustain a vibrant agricultural marketplace and  
74 strong farm economy while providing for competition and fair practices. The federal  
75 government should cooperate fully with states' efforts to supplement private sector  
76 marketing programs by providing comprehensive marketing, promotion and market  
77 development activities. These should include, at a minimum, sustained commitments to  
78 the provision of data on market trends and consumer demands, technical assistance,  
79 financial assistance and public education campaigns.

80

81 Special emphasis must be placed upon the development of new markets through the  
82 creation of demand for new crops or products or additional sources of demand for  
83 existing commodities and products; the improvement of linkages between buyers and  
84 sellers; a shift toward the sale of processed, not raw, commodities and high value cash  
85 crops; and the identification and analysis of potential markets. All parties, both public  
86 and private sector, must work together to develop effective strategies to exploit those  
87 opportunities fully and to maintain an ongoing ability to respond to changing consumer  
88 demands.

89

90 **Direct Marketing Arrangements:** NCSL recommends that Congress review the  
91 Packers and Stockyards Act as a mechanism for addressing unfair practices that may

92 occur under direct marketing arrangements, monitor activities in this area, and enact  
93 appropriate and timely legislation to safeguard the welfare of producers. NCSL urges  
94 Congress and USDA to strengthen and diligently enforce the provisions of the Packers  
95 and Stockyards Act in concert with the clear intent of the Act to curb monopolistic  
96 abuses in the concentrated meatpacking sector.

97

## 98 **Competition**

99 Family farmers ultimately derive their income from the agricultural marketplace.

100 Congress must set rules to improve the competitive environment of agriculture so that  
101 farmers are able to retain a greater portion of their income.

102

## 103 **Natural Resource Conservation**

104 All federal government actions affecting natural resources should be conducted in close  
105 cooperation and only after consultation and coordination with the states. A strong  
106 commitment to conduct research, in the area of improved methods of natural resource  
107 conservation and protection, must be maintained. The federal government should work  
108 with state and local governments to develop agricultural land use policies, but should  
109 leave the responsibility for establishment of these policies to the state and local  
110 governments. NCSL favors a block grant approach that gives states maximum flexibility.  
111 NCSL supports the use of science, technology and effective practices to reduce nutrient  
112 losses to water, including nitrogen and phosphorus, from point and nonpoint sources.

113

114 We encourage significant federal investment in state-supported projects -- with an  
115 emphasis on watershed-based public-private partnerships -- that provide for  
116 accountability and transparency, as evidenced by the establishment of goals, timelines,  
117 milestones, monitoring, measurement and regular public reporting documenting  
118 improvements in the quality of water in public waterways. Fundamentally, NCSL  
119 believes that states must be given a much stronger voice in ensuring that federal  
120 wetlands, endangered species, and land management policies respect the rights of  
121 local landowners and states.

122

123 **Wetlands and Endangered Species**

124 The federal government should delegate authority to states for the development,  
125 administration, and enforcement of wetlands protection and endangered species  
126 programs. The national government, acting through USDA, should set broad national  
127 goals and standards for wetlands protection and preservation of endangered species,  
128 but states should have the flexibility to meet those goals. The federal government,  
129 furthermore, should provide financial and technical assistance as incentives to  
130 encourage states to assume primacy over wetlands and endangered species programs.

131

132 **Pollinator Health**

133 NCSL recognizes the importance of pollinators and stresses the negative ramifications  
134 of continued pollinator loss, while supporting federal efforts to protect pollinators. We  
135 also recognize the key roles that the federal government plays as a landowner and  
136 manager, regulator of pesticide products, and financial and technical assistance  
137 provider to farmers and other private landowners. As such NCSL supports and calls  
138 upon the federal government to:

- 139 • develop best management practices and enhance pollinator habitat on  
140 federally owned or managed lands;
- 141 • incorporate pollinator health as a component of all future federal restoration  
142 and reclamation projects;
- 143 • revise guidance documents for designed landscapes and public buildings in  
144 order to incorporate pollinator-friendly practices;
- 145 • increase both the acreage and forage value of pollinator habitat in the  
146 Conservation Reserve Program and other federal conservation programs;  
147 provide technical assistance in collaboration with land-grant university-based  
148 cooperative extension services to federal departments and agencies, state,  
149 local, and tribal governments, and other entities and individuals including  
150 farmers and ranchers;
- 151 • assist states and state wildlife organizations, as appropriate, in identifying and  
152 implementing projects to conserve pollinators through the revision and  
153 implementation of State Wildlife Action Plans;



- 154 • assess the effects of systemic pesticides and parasites on bee and other  
155 pollinator health and take corresponding action, as appropriate, to protect  
156 pollinators from pesticides and parasites;
- 157 • take immediate measures to support pollinators with proper habitat and  
158 nutrition during the current growing season and thereafter, including planting  
159 pollinator-friendly vegetation, increasing flower diversity in plantings, limiting  
160 mowing practices, and reduce or avoid, when necessary, the use of  
161 pesticides in sensitive pollinator habitats through the use of integrated  
162 vegetation, pest and colony management practices; and
- 163 • work closely with the states to align pollinator protection efforts and share  
164 best practices.

165  
166 NCSL and the states identify as willing partners in the federal government’s pollinator  
167 protection efforts and will closely monitor federal actions and progress on these, and  
168 related efforts of utmost importance to the states and our nation’s food supply, urban  
169 and rural agriculture economies, environment and natural resources.

170  
171 **Land Management**

172 Devolution of authority to states should also be a goal of federal land management  
173 policies. Demonstration projects should be established to determine if state  
174 administration of national forests, grasslands, parks and other federal property will result  
175 in cost savings to taxpayers and greater sensitivity to the concerns of local citizens and  
176 property owners. NCSL, moreover, encourages Congress and federal agencies to hold  
177 hearings and public meetings in order to hear the concerns of state and local officials  
178 and of ordinary citizens and property holders regarding the impact of federal  
179 landownership and regulation.

180  
181 **Soil Conservation**

182 NCSL supports an ongoing education program to make certain that producers are fully  
183 aware of the need for proper soil conservation practices and of the best methods to use  
184 in their implementation. Diligent efforts must be made by the federal government to

185 ensure that proper soil conservation practices are adopted and that fragile, erodible land  
186 is protected.

187

188 NCSL supports requiring that each farm have and follow an approved soil and water  
189 conservation plan in order to obtain government assistance. Benefits may be denied if a  
190 crop is grown in violation of this requirement. Further, NCSL supports continued  
191 extension of the Conservation Reserve Program and federal efforts to protect  
192 pollinators, including those that are vital to American food production.

193

### 194 **Cover Crop Research**

195 NCSL supports federal efforts to further the development of and proliferation and use of  
196 cover crops given the growing concerns about water quality, soil fertility, weed control,  
197 nematode control, water retention and biodiversity. NCSL recognizes that cover crops  
198 have proven to increase yields in university studies as well as in replicated farm  
199 research; are an increasingly popular way to keep soil healthy; helps reduce the need  
200 for Nitrogen and other nutrients, and create a healthier soil environment that resists  
201 disease and pests; inhibit weed growth by shading them out, by preventing emergence,  
202 and by compounds exuded by the roots; are shown to reduce populations of pathogenic  
203 nematodes and encourage populations of beneficial ones; break up soil compaction  
204 whether it is naturally occurring or a result of heavy cultivation and tillage; add diversity  
205 to the natural biological life in heavily farmed soils, often working in synergy with cash  
206 crops for bottom line benefits; add diversity to the natural biological life in heavily farmed  
207 soils, often working in synergy with cash crops for bottom line benefits.

208

### 209 **Research and Development**

210 NCSL supports the state-federal partnership in agricultural research at state  
211 universities. Furthermore, funds must be made available to support research and  
212 development of innovative products. Funds should also be used for dissemination of  
213 information about research discoveries both domestically and abroad. It is particularly  
214 important that the land grant universities maintain their commitment to agricultural  
215 research and development and that the federal government provide sufficient research

216 dollars to support this vital effort.

217

218 NCSL urges the federal government to maintain a strong research program for the  
219 development of adequate, cost-effective and environmentally sound control measures  
220 to ensure the eradication of all insect and plant pests and animal diseases, which  
221 should be done in close cooperation with the states. Using existing mechanisms and  
222 institutions, the federal government should work with the states in providing the basic  
223 training and retraining opportunities necessary for the successful operation of an  
224 agricultural enterprise and for the continuing adjustment of producers to changing  
225 conditions in agriculture.

226

### 227 **Intellectual Property Rights in Publicly Funded Research**

228 NCSL calls on Congress to review the Bayh-Dole Act of 1980 and subsequent  
229 amendments for its impact on encouraging concentration and vertical integration within  
230 the agricultural sector, and for its consistency with the mission and purpose of the Land  
231 Grant College system. Further, Congress should increase federal support for  
232 agricultural research, and retain through grant and contract provisions greater portions  
233 of technology arising from such research within the public domain. Congress should  
234 also affirm as objectives of the Land Grant Colleges' agricultural research mission to  
235 achieve broad dissemination and producer access to crop technology, and preserve  
236 and enhance the income and economic opportunities of producers.

237

### 238 **Beginning Farmer Programs**

239 NCSL supports a state-federal partnership to confront challenges faced by farmers and  
240 beginning farmers, including the use of federal tax incentives to support state-based  
241 development and loan programs. NCSL supports changes to the federal Internal  
242 Revenue code that reduce borrowing costs for qualifying farmers and strengthen state  
243 beginning farmer programs. NCSL is particularly supportive of beginning farmer and  
244 other training programs that provide assistance for military veterans and limited-  
245 resource farmers. Furthermore, NCSL supports raising the total volume of state bonding  
246 authority to free resources for beginner farmer programs if achieved in a manner

247 consistent with a balanced federal budget.

248

249 In collaboration with state governments, as well as public and private local partners,  
250 NCSL supports investment in joint research, demonstration and development of food  
251 systems that provide opportunity to young and beginning farmers with limited assets, to  
252 produce and deliver affordable, healthy, fresh, nutritious food to consumers within the  
253 local and regional markets where the producers operate, toward a goal of national food  
254 self-sufficiency and optimal health.

255

### 256 **Agriculture Biofuels**

257 NCSL believes that the U.S. Department of Agriculture (USDA) should be the lead  
258 federal agency to examine regulatory issues as they develop for the algaculture  
259 (Farming Algae) industry.

260

### 261 **Support State Regulation of Agricultural Biotechnology**

262 NCSL supports the responsible use of the beneficial qualities of agricultural  
263 biotechnology such as in improved crop production techniques, pharmaceuticals, anti-  
264 immune disease control, biodegradable plastics, and other potential benefits to people  
265 in their states, the nation, the world and the global environment. NCSL supports the  
266 continued regulation of agricultural biotechnology through state and territorial  
267 governments working in close collaboration and partnership with the Coordinated  
268 Framework for Regulation of Biotechnology administered by the U.S. Environmental  
269 Protection Agency (EPA), USDA, and U.S. Food and Drug Administration (FDA).

270

### 271 **Industrial Hemp Farming**

272 NCSL supports federal legislation to define industrial hemp as a distinct agricultural crop  
273 (1% or less THC content) and allow states to regulate commercial hemp farming.  
274 Currently 33 states have laws allowing hemp research or farming. NCSL believes that  
275 hemp has a long history as a sustainable and a profitable crop, and has great potential  
276 as a new crop for American agriculture and industry. According to Vote Hemp, an  
277 estimated \$687 million worth of hemp products were sold in the U.S. in 2016, including

278 foods, body care products, clothing, auto parts, building materials, and paper. Most of  
279 these products were made from imported hemp due to federal policy that prohibits  
280 commercial hemp farming. NCSL believes that federal policies that obstruct industrial  
281 hemp farming are outdated and must be changed.

282

### 283 **Avian Flu Response**

284 The highly pathogenic avian influenza (HPAI) represents a significant threat to U.S. agriculture  
285 and the ability of our farmers to feed a growing world population. The federal government plays  
286 a key role in harnessing resources and providing assistance to farmers, states, and others  
287 affected by the virus. NCSL fully supports:

- 288 • federal efforts to protect poultry production and the nation's food supply by  
289 aggressively working to contain and remediate outbreaks when they occur;
- 290 • federal efforts to serve as technical advisors and the clearinghouse of information  
291 for all sectors and employing time sensitive approaches to sharing information;
- 292 • federal agencies working closely with the states to align HPAI efforts and share  
293 best practices; and
- 294 • increasing federal funding necessary for state and federal agencies to continue  
295 development of biosecurity containment strategies; more aggressive research  
296 into the causes of avian influenza; why some fowl are more susceptible; and  
297 prevention measures, including the development of vaccines that can be taken.

298

### 299 **Wildfire Funding**

300 Due to the significant increases in suppression costs in the last decade, funding  
301 transfers have depleted resources from vital fire prevention and mitigation programs.  
302 Further, increased fire activity can have substantially negative impacts on air quality,  
303 water quality, greenhouse gas emissions as well as the reduction of downstream water  
304 storage as sediment runoff lowers the effective level of dams and reservoirs;  
305 Additionally, reduced restoration and mitigation funding makes it easier for invasive  
306 pests and diseases to infest vulnerable forests; and the anticipated changes in climate  
307 will also cause fire risk to escalate in drought-ridden regions, further increasing wildfire  
308 suppression costs. Therefore, NCSL urges the federal government to:

- 309       • Maintain budget mechanisms for wildfire suppression in order to fund catastrophic  
310       fires as natural disasters adopted as part of the Fiscal Year 2018 budget  
311       agreement that minimizes the risk of fire transfers from prevention and mitigation  
312       programs.
- 313       • Manage wildfires on a regional basis, understanding that increased risk for  
314       wildfires on federal lands ultimately will lead to increased costs for state wildfire  
315       programs; and
- 316       • Support policies that continue to reduce the legislative and regulatory barriers  
317       when performing vegetation management, both inside and outside the rights-of-  
318       ways (ROWs); developing and deploying new technologies, including from our  
319       national labs, that can enhance wildfire detection and response; and address  
320       liability concerns for public and private entities.

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**-Rural Mental Health**

Farmers and ranchers, due to the nature of their work and a shortage of resources for rural mental health, suffer higher rates of depression and suicide than other professions – as described by the American Psychological Association’s Journal of Rural Mental Health. Difficult economic conditions are placing additional strain on our nation’s farmers and ranchers and their families, and the federal government can play a vital role in addressing this crisis by providing the states with additional resources for rural mental health services that are tailored to the unique needs of farmers, ranchers, and their families. The National Conference of State Legislatures urges Congress to include in pending legislation, funding for states to address this urgent need and assist our nation’s farmers, ranchers, and their family members during this time of great financial stress in American agriculture.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: CLIMATE CHANGE**

3 **TYPE: PROPOSED DIRECTIVE**

4

5 The National Conference of State Legislatures (NCSL) urges the federal government to  
6 consult with state elected officials, their national representative organizations and  
7 existing interstate partnerships in developing a federal program. As Congress and the  
8 administration examine proposals for reducing greenhouse gas emissions, NCSL  
9 encourages the federal government to always take the following principles into account:

10

- 11 • Federal action should be flexible, allowing for a range of complementary  
12 strategies at the state and federal level maintaining a strong role for state, local  
13 and tribal government in any federal action.
- 14 • Federal legislation should provide states the authority and flexibility to work within  
15 an overall framework; to apply the law effectively to all sources of emissions and  
16 ensure achievement of climate change goals in the most cost effective, timely  
17 and efficient manner for each state.
- 18 • Federal legislation should not preempt state or local governments from enacting  
19 policy options that differ from federal choices or from enacting stricter or stronger  
20 measures within their jurisdiction.
- 21 • Federal legislation should afford states the flexibility to form regional  
22 cooperatives and implement innovative policies that advance federal efforts to  
23 reduce the effects of climate change.
- 24 • Congress must authorize and appropriate sufficient funds for federal, state and  
25 local governments to implement any federal legislation. These funds should be  
26 newly authorized appropriations, not reprogrammed resources.
- 27 • Federal legislation should ensure state legislative authority in any federal climate  
28 change legislation and affirm the active role played by state legislatures in both  
29 fiscal and substantive aspects of state policymaking.

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

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

36

- 37 • Any national system must include short, medium and long-term goals and  
38 incorporate a rigorous oversight program that provide for ongoing study and  
39 analysis of the system to ensure it is achieving intended goals.
- 40 • A new national program should serve to address uncertainties that are  
41 hampering investment in generation, transmission and distribution and enhance  
42 the likelihood that appropriate technologies will be developed and other solutions  
43 implemented so as to achieve the desired reductions in greenhouse gas (GHG)  
44 emissions in the most economical manner possible.
- 45 • Federal legislation should be designed appropriately to balance competing  
46 criteria, including, but not limited to, equity, economic efficiency and ease of  
47 administration.
- 48 • Revenue derived from a greenhouse gas reduction program should be directed  
49 to complementary policies focused on mitigating climate change consumer costs  
50 including but not limited to energy research & development, weatherization,  
51 conservation and energy efficiency activities.
- 52 • A national program to reduce GHG emissions must also address adaptation  
53 issues.
- 54 • Auctioning of allowances may be the most economically efficient mechanism for  
55 achieving a GHG emissions reductions goal. However, the allocation of  
56 emissions allowances at no cost can serve as an appropriate transition measure  
57 necessary to ensure continued reliability, minimize economic dislocation resulting  
58 from the carbon intensity of the existing infrastructure, and allow for development  
59 and deployment of needed new technologies and measures to reduce emissions.



- 60 • Priority distribution of allowances at no cost should be to those entities in affected  
61 sectors where existing regulatory structure provides the necessary oversight to  
62 ensure that the value of such allowances is accounted for in establishing price  
63 rates for consumers.
- 64 • The allocation of GHG reduction program to states under a federal GHG  
65 reduction program should include language making decisions related to such  
66 allowances subject to state legislative approval.
- 67 • The establishment of any new federal program should include provisions for  
68 transparent reporting and accountability and incorporate the use of third-party  
69 verification to ensure reported outcomes are verifiable.
- 70 • The federal government shall restrict carbon capture and storage incentives for  
71 projects that involve the transfer of carbon by interstate pipelines to those  
72 certified by state public utility commissions or other state regulatory bodies to  
73 have demonstrated, by clear and convincing evidence, that a project will: 1)  
74 result in a net life-cycle reduction in atmospheric carbon, with financial awards  
75 tied to such reductions, pursuant to a state's climate action plan adopted by the  
76 Legislature or approved by the governor; and 2) permanently restore damage to  
77 wetlands, woodlands, prairie, rivers, streams and other natural resources, as well  
78 as the productivity of disturbed farmland, as a result of construction, operation or  
79 future abandonment.”

80

## 81 **Unintended Consequences**

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

86

87 NCSL believes that federal legislation should require continuing assessments of the  
88 potential impacts to the United States of climate change, by state or region including  
89 effects on water resources, agriculture, infrastructure, natural systems, environmental  
90 quality, public health, biodiversity and the cultures of our native peoples. Such an

91 assessment will support the development of domestic and international adaptation-  
92 mitigation strategies. The Environmental Protection Agency (EPA) should provide  
93 funding and assist states in developing assessments and adaptation plans at the state  
94 and regional level.

95  
96 NCSL also urges the federal government to fully consider how legislation will affect low-  
97 income households that already struggle to balance needs and expenses. NCSL  
98 encourages the federal government to expand and enhance long-term funding for the  
99 Department of Energy's Weatherization Assistance Program and to ensure that any new  
100 federal program does not undermine existing federal, state and private sector energy  
101 assistance and outreach programs that assist our most vulnerable citizens.

102

### 103 **Research and Development**

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

108

109 NCSL urges the federal government:

- 110 • To ensure that legislation not limit the diversity of technologies supported, as  
111 future advancements cannot be predicted.
- 112 • To take into account state and regional differences, and not limit or specify the  
113 technologies used in each state and ensure sufficient flexibility for each State to  
114 determine how to best achieve nationally-set goals.
- 115 • To promote current and future innovations and expand the use of such  
116 technology through R&D transfer agreements with other countries.

117

### 118 **Carbon Sequestration and Environmental Management**

119 NCSL supports activities aimed at increasing the natural carbon sequestration of CO<sub>2</sub>  
120 which includes, but is not limited to sustainable timber harvesting, control burns,  
121 reseeded and rehabilitation of natural and introduced grassland plants.

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NCSL urges the federal government:

- To support carbon sequestration via regeneration techniques – including raising the cap on the U.S. Forest Service’s Reforestation Trust Fund to address the backlog, creating a national strategy to increase nursery capacity and funding for nurseries, and establishing new grant programs which serve to enhance urban and rural forests.
- To support carbon sequestration through improved forest management activities, including – streamlining environmental review for the protection of watersheds and critical infrastructure to improve forest health and resiliency, permanently reauthorizing Good Neighbor Authority and expanding the uses of revenues for states to include reforestation, and authorizing funding for the State and Private Forest Landscape-Scale Restoration Program.
- To promote the elimination of taxation on grant funds and financial incentives to producers for planting windbreaks, due to the many conservation benefits windbreaks provide to the public including the sequestration of carbon.
- To support technical training for natural resource professionals to provide assistance to producers for successful windbreak establishment and renovation practices.

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **THE NATIONAL INFRASTRUCTURE BANK ACT,**  
3 **H.R. 3339**

4 **TYPE:** **PROPOSED RESOLUTION**

5 **WHEREAS**, The American Society of Civil Engineers (ASCE) stated in its 2021 report  
6 card that the United States received a grade of C- regarding the current state of  
7 infrastructure and that more than six trillion dollars would be needed to restore the  
8 nation’s infrastructure to a state of good repair. Over two trillion dollars is currently not  
9 funded and necessary new, 21<sup>st</sup> Century projects are unfunded; and

10

11 **WHEREAS**, the infrastructure crisis is well documented. Every two minutes there is a  
12 water line break causing a loss of 6 billion gallons of treated water a day. 43% of our  
13 roadways are in poor or mediocre condition, and 46,000 bridges are in urgent need of  
14 repair; and

15

16 **WHEREAS**, Congress introduced HR 3339, The National Infrastructure Bank Act, to  
17 create a \$5 trillion National Infrastructure Bank. This bank will require no new federal  
18 spending and no new federal taxes, and has been done successfully many times in U.S.  
19 history; and

20

21 **WHEREAS**, the National Infrastructure Bank will be a commercial bank created by  
22 Congress with a federal mandate to invest in all hard infrastructure needs of the nation;  
23 and,

24

25 **WHEREAS**, the \$5 Trillion National Infrastructure Bank will complement the Bipartisan  
26 Infrastructure Law (BIL), which will spend only \$550 billion of new money. The need is  
27 \$5 trillion, and the BIL falls short on every category outlined by the civil engineers; and

28

29 **WHEREAS**, only a National Infrastructure Bank is capable of fixing everything.  
30 Congress plans no more spending, and states and cities do not have the resources to  
31 address the need; and

32  
33 **WHEREAS**, the National Infrastructure Bank will create millions of new high-paying  
34 jobs, mandate Buy America policies, and increase GDP by 5% per annum. All states  
35 and jurisdictions will benefit equally; and

36  
37 **WHEREAS**, twenty-five state legislatures have introduced resolutions urging congress  
38 to create this \$5 trillion National Infrastructure Bank. Four passed one house and three  
39 have passed both houses. The National Black Caucus of State Legislators endorsed the  
40 legislation as have dozens of county and city councils.

41  
42 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State  
43 Legislatures hereby calls Congress to pass HR 3339 the National Infrastructure Bank  
44 Act; and,

45  
46 **BE IT FURTHER RESOLVED**, that NCSL will send copies of this resolution to all  
47 members of Congress and to the President of the United States.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: STATE-SUPPORTED GRADE CROSSING**  
3 **SAFETY ELIMINATION AND SEPARATION**  
4 **PROGRAMS**

5 **TYPE: PROPOSED RESOLUTION**

6 **WHEREAS**, the National Conference of State Legislatures wishes to support sound  
7 public policies that encourage states to take matters into their own control to protect  
8 human life, preserve mobility and enhance economic development by creating state-  
9 funded, highway-railroad grade crossing safety enhancements, including roadway  
10 separations and eliminations; and

11  
12 **WHEREAS**, there are more than 200,000 at-grade, public railroad crossings throughout  
13 the country; and

14  
15 **WHEREAS**, thanks to billions of dollars of upgrades to grade crossing warning features  
16 including gates, lights and bells, since 1981 grade crossing collisions have decreased  
17 from 9,461 collisions, down 443%, to 2,131 collisions in 2021; and

18  
19 **WHEREAS**, since 1981, grade crossing collisions have decreased from 728 fatalities,  
20 down 307%, to 237 fatalities in 2021; and

21  
22 **WHEREAS**, since 1981 grade crossing collisions have decreased from 3,293 injuries,  
23 down 504%, to 653 injuries; and

24  
25 **WHEREAS**, the National Association of County Officials (NACo), National League of  
26 Cities (NLC), and American Association of State Highway and Transportation Officials  
27 (AASHTO) have previously urged Congress to support improved rail safety programs,  
28 including supporting additional founding to local governments, state, and railroads to  
29 further improve grade crossings and separations allowing for safer interactions between  
30 road and rail traffic; and

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**WHEREAS**, rail interstate networks between cities and regions provide essential transportation flow for American goods and passengers; and

**WHEREAS**, these rail interstate networks are essential to the American economy but in cities, towns, villages, and states throughout the country, their localized presence can cause negative externalities including road congestion for extended periods of time at rail crossings; and

**WHEREAS**, the federal Infrastructure Investment and Jobs Act includes approximately \$3 billion in funding to be administered by the Federal Railroad Administration over the next 5 years to build new grade separations and eliminate more road-rail crossings throughout the nation; and

**WHEREAS**, some state legislatures have created their own, dedicated state grade crossing separation, elimination, and safety enhancement program to leverage those federal dollars in order to unlock new economic development, safety enhancements, and railroad fluidity opportunities throughout each state; and

**WHEREAS**, 23 U.S.C. Section 130’s Railway Highway Crossing Program was introduced in 1987 and over the past 35 years has annually funded several hundred million dollars of federal match for at-grade crossing enhancements, eliminations, and separations that have driven down vehicular and pedestrian fatalities, injuries, and collisions; and

**WHEREAS**, as part of IIJA, Congress increased incentive payments for grade crossing closures from the previous cap of \$7,500 to the new level of \$100,000 within the federal Section 130 Grade Crossing Safety Fund; and

**WHEREAS**, also as part of IIJA, Congress expanded the eligible activities under the Section 130 Program to now cover replacement of functionally obsolete warning

62 devices that were improved once before in the early years using Section 130 Program  
63 funds.

64

65 **NOW THEREFORE BE IT RESOLVED**, the National Conference of State Legislatures  
66 encourages Congress to continue to create, expand, and enhance state and local grade  
67 crossing protection funds which have the effect of improving safety, mobility and  
68 economic development potential for both the railroads and motoring public throughout  
69 the country.