



NATIONAL CONFERENCE OF STATE LEGISLATURES

LEGISLATIVE SUMMIT
AUGUST 2014
MINNEAPOLIS, MINNESOTA

DEBATE CALENDAR

BUDGETS AND REVENUE

FEDERAL DEFICIT REDUCTION AND THE IMPACT ON STATES

LAW AND CRIMINAL JUSTICE

ENFRANCHISING VIRGIN ISLANDS RESIDENTS

NATURAL RESOURCES AND INFRASTRUCTURE

AIRPORT INFRASTRUCTURE FUNDING

CLIMATE CHANGE

1 **COMMITTEE: BUDGETS AND REVENUE**

2 **POLICY: FEDERAL DEFICIT REDUCTION AND THE**
3 **IMPACT ON STATES**

4 **TYPE: DEBATE RESOLUTION**

5 The National Conference of State Legislatures recognizes the need for the federal
6 government to reduce its annual deficits and achieve a sustainable fiscal path. The
7 Budget Control Act (P.L. 112-25) has provided a foundation to temporarily hamper the
8 nation's rising deficit, but a comprehensive framework is needed to manage long-term
9 debt.

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11 NCSL believes a broad deficit reduction plan must:

- 12 • Contain an examination of all possible avenues for deficit reduction, including
13 discretionary spending, entitlement and mandatory program reform and revenue-
14 related options.
- 15 • Avoid cost shifts and new unfunded mandates.
- 16 • Make a commitment to reduce deficits so that state-federal programs do not
17 carry an unreasonable share of any deficit reduction actions.
- 18 • To the extent that funding to the states is cut, there should be commensurate
19 relief from obligations imposed by federal laws, regulations, and practices.
- 20 • Provide a fiscal analysis of the potential intergovernmental and federalism
21 implications of any recommended actions.

22

23 Critical deficit reduction principles include:

- 24 • *Unfunded federal mandates.* Impose no new unfunded federal mandates and
25 address existing unfunded mandates; expand the definition of an unfunded
26 mandate to include new conditions of grant aid; broaden application of UMRA;
27 and conduct UMRA analysis of any recommendations.

- 28 • *Preemption*. State authority should be upheld in areas such as medical
29 malpractice and tort law and public employee participation in Social Security and
30 Medicare.
- 31 • *Streamlined Sales Tax*. Enact the Marketplace Fairness Act to authorize the
32 collection of state and local sales and use taxes from remote sellers.
- 33 • *Bonds*. Retain tax-exempt financing of state and local government bonds.

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35 NCSL looks to collaboratively work with both Congress and the Administration
36 as partners and welcomes the opportunity to address the nation's fiscal challenges.
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1 **COMMITTEE: LAW AND CRIMINAL JUSTICE COMMITTEE**

2 **POLICY: ENFRANCHISING VIRGIN ISLANDS RESIDENTS**

3 **TYPE: DEBATE RESOLUTION**

4 WHEREAS, the Virgin Islands is a territory of the United States; and

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6 WHEREAS, the Virgin Islands, like the other 50 continental states, participate in the
7 Democratic and Republican nomination process for the Office of President of the United
8 States; and

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10 WHEREAS, Virgin Islanders who reside in the continental United States have the right to
11 vote for the President of the United States; and

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13 WHEREAS, Virgin Islands residents who are United States citizens, however, are denied
14 voting rights and access to presidential elections; and

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16 WHEREAS, the Democratic and Republican conventions are the territory's only chance at
17 having a say in who the next president is; and

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19 WHEREAS, this denial began with the controversial and divided Supreme Court
20 decisions known as the Insular Cases, which were decided shortly after the United
21 States acquired overseas territories; and

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23 WHEREAS, the Insular Cases established a doctrine of "separate and unequal"
24 constitutional treatment for overseas U.S. territories; and

25
26 WHEREAS, the Insular Cases defined the premise that the United States Constitution
27 applies "only in part in unincorporated Territories" but "in full in incorporated Territories
28 destined for statehood"; and

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30 WHEREAS, the Virgin Islands is an unincorporated territory of the United States; and

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32 WHEREAS, the Virgin Islands is subject to the Congress' plenary powers under the
33 territorial clause of Article IV, section 3, of the U.S. Constitution; and

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35 WHEREAS, the Constitution of the United States specifies that the President and the
36 Vice President shall be elected by electors chosen by the States; and

37
38 WHEREAS, the Virgin Islands is not a part of any state; but, like states, are able to elect
39 their own governor and legislature; and

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41 WHEREAS, Virgin Islanders, in a few years, will enjoy 100 years of American citizenship
42 though never given the opportunity to elect the President of the United States; and

43
44 WHEREAS, children born abroad to a United States citizen are given American
45 citizenship with full voting rights; and

46
47 WHEREAS, the Virgin Islands is effectively disenfranchised at the national level due to its
48 inability to elect a President; and

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50 WHEREAS, though unable to elect a President, the Virgin Islands must abide by and is
51 subject to all national policies, rules, regulations and laws enacted and in the United
52 States; and

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54 WHEREAS, Virgin Islanders have served in the United States military and fought in
55 wars on behalf of the United States prior to obtaining the privilege of becoming citizens
56 of the United States; and

57
58 WHEREAS, young males who are Virgin Islanders, must register for the selective
59 service and can be drafted by the same Commander in Chief that they cannot vote for;
60 and

61
62 WHEREAS, a number of scholars have concluded that the United States national
63 electoral process is not fully democratic due to U.S. Government disenfranchisement of
64 United States citizens residing in United States territories;

65
66 THEREFORE BE IT RESOLVED, that the National Conference of State Legislatures
67 respectfully urges the Congress of the United States to review the United States
68 Constitution as it relates to the disenfranchisement of Virgin Islands residents and its
69 inability to elect a President and implement the necessary revisions to grant Virgin
70 Islands residents the right to vote in United States presidential elections;

71
72 BE IT FINALLY RESOLVED, that a copy of this Resolution shall be forwarded to the
73 President of the United States of America, Honorable Barack Hussein Obama;
74 Honorable John Boehner, Speaker of the House of Representatives; each member of
75 the United States Congress and the United States Virgin Islands Delegate to Congress,
76 Donna Christian-Christensen.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: AIRPORT INFRASTRUCTURE FUNDING**

3 **TYPE: DEBATE DIRECTIVE**

4 The National Conference of State Legislatures (NCSL) fully supports the goal of ensuring that
5 airports have sufficient funding to meet their infrastructure needs, both to restore or replace
6 critical facilities that are coming to the end of their useful lives and to build new infrastructure to
7 enhance safety, security, and capacity to allow for expansion of air service and increased
8 opportunities for competition among airlines. To achieve this goal, it is essential that Congress
9 maintain existing levels of federal grant funding, and raise the federal cap on Passenger
10 Facility Charge (PFC) user fees, which are locally imposed and dedicated to capital
11 improvements within the local airport system. Therefore, NCSL believes that Congress should
12 continue to fully fund the Airport Improvement Program (AIP) at authorized levels annually on a
13 multi-year basis and increase the federal limit on individual Passenger Facility Charge (PFC)
14 user fee to keep up with inflation, to help ensure that airport operators have sufficient funding
15 to implement needed safety, security, capacity and noise projects at their airports.

1 **COMMITTEE: NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY: CLIMATE CHANGE**

3 **TYPE: DEBATE RESOLUTION**

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

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

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

- 33 • Any national system must include short, medium and long-term goals and incorporate
34 a rigorous oversight program that provide for ongoing study and analysis of the system
35 to ensure it is achieving intended goals.
- 36 • A new national program should serve to address uncertainties that are hampering
37 investment in generation, transmission and distribution and enhance the likelihood that
38 appropriate technologies will be developed and other solutions implemented so as to
39 achieve the desired reductions in GHG emissions in the most economical manner
40 possible.
- 41 • Federal legislation should be designed appropriately to balance competing criteria,
42 including, but not limited to, equity, economic efficiency and ease of administration.
- 43 • Revenue derived from a greenhouse gas reduction program should be directed to
44 complimentary policies focused on mitigating climate change consumer costs including
45 but not limited to energy research & development, weatherization, conservation and
46 energy efficiency activities.
- 47 • A national program to reduce GHG emissions must also address adaptation issues.
- 48 • Auctioning of allowances may be the most economically efficient mechanism for
49 achieving a GHG emissions reductions goal. However, the allocation of emissions
50 allowances at no cost can serve as an appropriate transition measure necessary to
51 ensure continued reliability, minimize economic dislocation resulting from the carbon
52 intensity of the existing infrastructure, and allow for development and deployment of
53 needed new technologies and measures to reduce emissions.
- 54 • Priority distribution of allowances at no cost should be to those entities in affected
55 sectors where existing regulatory structure provides the necessary oversight to ensure
56 that the value of such allowances is accounted for in establishing price rates for
57 consumers.
- 58 • The allocation of greenhouse gas reduction program to states under a federal
59 greenhouse gas reduction program should include language making decisions related
60 to such allowances subject to state legislative approval.
- 61 • The establishment of any new federal program should include provisions for
62 transparent reporting and accountability and incorporate the use of third party
63 verification to ensure reported outcomes are verifiable.

64 **Unintended Consequences**

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

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

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

82 **Research and Development**

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

87 NCSL urges the federal government:

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