

2017-2018
Conference Year



Committee on
Budgets and Revenue
Policy Directives and
Resolutions

As a result of those policy decisions voted on by our nation's states, NCSL is nationally recognized as a formidable lobbying force in state-federal relations.

NCSL POLICY DIRECTIVES AND RESOLUTIONS

OVERVIEW

NCSL's Standing Committees develop Policy Directives and Resolutions that serve to guide NCSL's advocacy on behalf of state legislatures in Washington, D.C. before Congress, the White House, and federal agencies. All Policy Directives and Resolutions produced by a NCSL Standing Committee shall be submitted and considered for adoption at the NCSL Annual Business Meeting. As provided in the [NCSL Bylaws](#), on any vote that places the Conference on record in a matter of public policy, an affirmative vote of three quarters (3/4) of the member jurisdictions who respond to the most recent quorum call shall be required.

[NCSL's Permanent Rules of Procedure](#) Rule II [B] requires that all Policy Directives and Resolutions be directed at Congress, the administration, or the federal courts, and shall be related to issues that affect the states and shall be consistent with support of state sovereignty and state flexibility and protection from unfunded federal mandates and unwarranted federal preemption.

STANDING COMMITTEE MEMBERSHIP

Each Standing Committee has legislator co-chairs, one from each party, and a number of legislator vice chairs, balanced by party, all of whom serve a two-year term, consistent with the biennium. Each Standing Committee also has two legislative staff co-chairs and a number of vice chairs all of whom serve staggered two year terms. Only legislators are allowed to vote on policy directives, resolutions, or amendments. The legislators on each Standing Committee have been appointed by their appropriate presiding officer in their respective legislative chamber. Legislator appointments are usually made for the biennium.

DURATION OF POLICY DIRECTIVES AND RESOLUTIONS

Policy Directives adopted at the annual NCSL Business Meeting by at least three-fourths (3/4) of the states responding to the most recent quorum call do not expire but must be reviewed by the Standing Committee of jurisdiction at least once every four years and can be updated or amended by a Standing Committee at any time, adhering to the NCSL By-Laws and Rules of Procedure. All Policy Resolutions of the Conference shall automatically terminate one year after the annual Business Meeting at which they were adopted, unless reaffirmed in the normal policy process.

NCSL STANDING COMMITTEES

Budgets and Revenue	Labor and Economic Development
Communications, Financial Services, and Interstate Commerce	Law, Criminal Justice, and Public Safety
Education	Legislative Effectiveness*
Health and Human Services	Natural Resources and Infrastructure
	Redistricting and Elections*

* The Legislative Effectiveness and the Redistricting and Elections Committees do not develop public policy positions for consideration at the Legislative Summit or NCSL Capitol Forum.

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1 **COMMITTEES: COMMUNICATIONS, FINANCIAL SERVICES, AND**
2 **INTERSTATE COMMERCE**
3 **BUDGETS & REVENUE**

4 **POLICY: NATIONAL CONFERENCE OF STATE LEGISLATURES**
5 **SUPPORTS AND URGES ENACTMENT OF THE REMOTE**
6 **TRANSACTIONS PARITY ACT**

7 **TYPE: RESOLUTION**

8 **WHEREAS**, the 1967 Bellas Hess and the 1992 Quill Supreme Court decisions denied
9 states the authority to require the collection of sales and use taxes by out-of-state
10 sellers that have no physical presence in the taxing state; and

11 **WHEREAS**, the combined weight of the inability to collect sales and use taxes due on
12 remote sales through traditional carriers and the tax erosion from electronic commerce
13 threatens the future viability of the sales tax as a stable revenue source for state and
14 local governments; and

15 **WHEREAS**, a report from the National Taxpayers Union has estimated that from 2015
16 to 2025 states will be unable to collect \$340 billion in sales taxes that are owed from
17 out-of-state purchases; and

18 **WHEREAS**, the Remote Transactions Parity Act is bi-partisan legislation that was
19 introduced in the United States House of Representatives which authorizes each
20 member state under the Streamlined Sales and Use Tax Agreement to require all
21 sellers not qualifying for a small-seller exception to collect and remit sales and use
22 taxes with respect to remote sales, and allows a state that is not a member state under
23 the Agreement to require sellers to collect and remit sales and use taxes with respect to
24 remote sales sourced to such state if the state adopts and implements certain minimum
25 simplification requirements; and

26 **WHEREAS**, unlike federal proposals, such as the Online Sales Simplification Act
27 (OSSA), which would determine a product’s taxability based on the location of the
28 seller, the Remote Transactions Parity Act does not preempt or impose new
29 requirements on states that choose not to comply with the legislation’s requirements
30 and simplifications; and

31 **WHEREAS**, unlike federal proposals, such as the Online Sales Simplification Act
32 (OSSA), which would determine a product’s taxability based on the location of the
33 seller, the Remote Transactions Parity Act does not: impose new taxes on consumers,
34 fundamentally change how states raise revenue, establish tax havens, or jeopardize the
35 viability of consumption taxes as a revenue source for states; and

36 **WHEREAS**, it has been over four years since the United States Senate overwhelming
37 passed similar legislation, the Marketplace Fairness Act, yet the Remote Transactions
38 Parity Act has not even received a hearing, despite the fact that it has broad support in
39 the committee of jurisdiction and congress; and

40 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
41 Legislatures (NCSL) appreciates the leadership of U. S. Senators Richard Durbin (Ill.),
42 Mike Enzi (Wyo.), Lamar Alexander (Tenn.) and Heidi Heitkamp (N.D.) for championing
43 this issue in the Senate; and

44 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures
45 appreciates the leadership of Congresswoman Kristi Noem (SD) and her colleagues for
46 reintroducing the Remote Transactions Parity Act and urges Congress to pass the
47 legislation, co-sponsored in the House by Congressman Steve Womack (Ark.),
48 Congressman John Conyers (Mich.), Congresswoman Jackie Speier (CA.),
49 Congressman Peter Welch (Vt.), and dozens of their colleagues; and,

50 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures
51 opposes federal remote sales tax legislation that preempts the laws of states that
52 choose to not comply with the legislation’s requirements; and,

53 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures
54 opposes federal remote sales tax legislation that does not establish parity at the point of
55 purchase, which is necessary to level the playing field between remote sellers and in-
56 state businesses;

57 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures
58 supports amending the Remote Transactions Parity Act to allow states to collect sales
59 taxes on all transactions regardless of the platform on which the sales occurred;

60 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures
61 opposes the No Regulation Without Representation Act, H.R. 2887, which would
62 prevent states from collecting taxes they are currently collecting, including various
63 business taxes, and would preempt hundreds or thousands of state laws that serve to
64 protect the general welfare of the citizens of each state, and

65 **BE IT FURTHER RESOLVED**, that the National Conference of State Legislatures
66 opposes federal remote sales tax legislation that does not establish a destination
67 sourcing tax regime, and,

68 **BE IT FURTHER RESOLVED**, while the National Conference of State Legislatures
69 supports a federal framework for the collection and remittance of sales taxes, should the
70 Supreme Court of the United States overturn the 1992 Quill decision, NCSL will be
71 reluctant to support a federal legislation that would restrict the ability of states to enforce
72 their tax laws; and

73 **BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the President of
74 the United States and to all of the members of the 115th Congress.

1 **COMMITTEES: COMMUNICATIONS, FINANCIAL SERVICES, AND**
2 **INTERSTATE COMMERCE**
3 **BUDGETS & REVENUE**

4 **POLICY: NATIONAL CONFERENCE OF STATE LEGISLATURES**
5 **SUPPORTS PASSAGE OF THE FEDERAL DIGITAL**
6 **GOODS & SERVICES TAX FAIRNESS ACT**

7 **TYPE: RESOLUTION**

8 **WHEREAS**, digital goods and services are online purchases that are downloaded
9 directly by, or services that are provided electronically to, consumers that can transcend
10 numerous state and local boundaries across the United States; and

11 **WHEREAS**, the exponential growth of digital commerce has demonstrated the
12 importance of digital products to the American economy; and

13 **WHEREAS**, state policymakers recognize that the continued deployment of broadband
14 infrastructure and adoption of broadband services is vital to economic growth and
15 participation in the global economy; and

16 **WHEREAS**, digital goods and services are a major driver of the rapidly growing 21st
17 Century digital economy and as such, fair and rational tax policies are needed that will
18 not impede the continued growth of this segment of the economy; and

19 **WHEREAS**, due to the complex nature of the way digital commerce is transacted,
20 current state and local tax laws governing the taxation of sales transactions are
21 outdated and ill equipped to address many of the issues that surface in taxing today's
22 "borderless" digital economy; and

23 **WHEREAS**, as state and local governments continue to seek to modernize their tax
24 base to include various forms of digital commerce, doing so without establishing a
25 national framework could potentially subject consumers to multiple states claiming the

26 right to tax the same transaction or subject such transactions to discriminatory taxation
27 at rates higher than the rates imposed on the in-state sales of similar goods or services;
28 and

29 **WHEREAS**, establishing a national framework would clearly identify which state and
30 local jurisdiction can tax a digital transaction, providing much needed certainty to
31 consumers, providers required to collect such taxes and state and local governments
32 seeking to tax such goods and services in a fair, uniform and rational manner; and

33 **WHEREAS**, establishing a national framework as set forth in the Digital Goods and
34 Services Tax Fairness Act as introduced in the 114th Congress preserves state
35 sovereignty as the decision to tax digital commerce or not remains solely with the
36 states; and

37 **WHEREAS**, the Mobile Telecommunications Sourcing Act (P.L. 106-252) established
38 uniformity in sourcing mobile telecommunications services for state and local tax
39 purposes using similar concepts to those contained in the Digital Goods and Services
40 Tax Fairness Act as introduced in the 114th Congress; and

41 **WHEREAS**, NCSL has worked with other state and local organizations as well as
42 members of the Download Fairness Coalition to develop the principles contained in the
43 legislation and is poised to assist states as needed in complying with the federal
44 legislation; and

45 **NOW, THEREFORE, BE IT RESOLVED**, that the National Conference of State
46 Legislatures urges Congress to introduce and pass legislation that provides a
47 framework for the taxation of digital goods and services consistent with NCSL
48 principles, in conjunction with or after consideration of the Remote Transactions Parity
49 Act, to establish a national framework providing certainty and uniformity for state and
50 local governments in the taxation of digital goods and services, while protecting
51 consumers from multiple and discriminatory taxation and supporting the continued
52 growth of the digital economy.

1 **COMMITTEE: BUDGETS & REVENUE**

2 **POLICY: PUBLIC PENSIONS, HEALTH INSURANCE, AND POST**
3 **RETIREMENT BENEFITS**

4 **TYPE: DIRECTIVE**

5 State legislatures authorize and fund public employee pension plans and determine
6 their regulation and oversight. With these plans, state and local governments provide
7 retirement savings vehicles and security to virtually all full-time state and local
8 employees. Any federal regulation of state and local government pension plans should
9 recognize the unique designs and protections inherent in these plans and should only
10 be pursued through consultation with state and local governments. Current federal
11 regulations that impose excessive and unnecessary administrative costs on states and
12 localities should be simplified or eliminated.

13 **Federal Reductions to Social Security Benefits**

14 Under some circumstances, the Social Security Administration reduces benefits to state
15 and local employees who earn government pensions through work not covered by
16 Social Security. Since 1983, the Social Security Administration has reduced worker and
17 spousal benefits through two provisions called the Government Pension Offset (GPO)
18 and the Windfall Elimination Provision (WEP). There have been numerous proposals
19 before Congress to repeal or to limit the application of the GPO and the WEP. The
20 National Conference of State Legislatures supports efforts by Congress and the
21 Administration to address the inequities and unintended consequences to state and
22 local government retirees caused by federal reductions of Social Security benefits.
23 NCSL urges Congress to enact legislation that will reduce or eliminate the impact of the
24 GPO and WEP on state and local government retirees, particularly those who have
25 earned lower uncovered government pension benefits or partial benefits.

26 **Mandatory Medicare and Social Security Coverage**

27 The National Conference of State Legislatures opposes expansion of mandatory Social
28 Security and Medicare Coverage to public employees of state and local governments
29 who are not already covered. NCSL believes that state and local governments should
30 be allowed to affiliate their plans with Social Security and Medicare on a voluntary basis.

31 **Taxation and Regulation**

32 NCSL believes that the exemption of state pension and benefits plans from federal
33 taxation is a sound component of federal tax policy that should continue.

34 All states and many local governments sponsor defined contribution plans that allows
35 employees to defer an additional portion of their salary in anticipation of retirement
36 needs. Federal legislation enacted in 2001 simplified participation in, and the
37 administration of, these supplemental arrangements. NCSL supports further
38 improvements that enhance flexibility, improve existing arrangements, avoid increased
39 federal regulation, maintain or expand the plans' unique features and characteristics
40 and avoid mandates that would replace existing plans with methods designed for the
41 private sector. NCSL opposes any federal encroachment on state authority to regulate
42 state pensions that would supplant rather than supplement current savings, and other
43 efforts that could result in additional cost and complexity for state and local
44 governments and their plan participants.

45 **Reporting Requirements**

46 NCSL strongly opposes any effort by Congress to impose annual federal reporting and
47 funding requirements on state and local governments regarding various aspects of their
48 public employee pension plans and penalties for non-compliance, such as loss of
49 federal tax exempt financing benefits for bonds issued by state or local governments
50 during any noncompliance reporting period.

51 NCSL believes these actions would be unnecessary, intrusive and coercive. This
52 federal effort would impose new, unfunded costs on states by requiring additional
53 reports and compels the presence of the federal government in issues exclusively
54 managed and legislated by states. States report comprehensive information in proposed

55 federal legislation in their consolidated annual financial reports as recommended by the
56 Governmental Accounting Standards Board.

57 **Health Care Costs**

58 The National Conference of State Legislatures (NCSL) supports federal efforts that
59 allow public sector retirees to deduct health care premium costs and/or additional
60 medical expenses from their taxable income, as well as federal efforts to allow retirees
61 to save for health care costs through tax preferred vehicles.

1 **COMMITTEE: BUDGETS & REVENUE**

2 **POLICY: STATE AND FEDERAL BUDGETING: FEDERAL**
3 **MANDATE RELIEF**

4 **TYPE: DIRECTIVE**

5 It is the policy of the National Conference of State Legislatures to advance and defend a
6 balanced, dynamic partnership among governments at the local, state, and federal
7 level. The growth of federal mandates and other costs that the federal government
8 imposes on states and localities is one of the most serious fiscal issues confronting
9 state and local government officials. NCSL applauds the success of the Unfunded
10 Mandates Reform Act of 1995 (UMRA; P.L. 104-4) in bringing attention to the fiscal
11 effects of federal legislation on state and local governments, improving federal
12 accountability and enhancing consultation. However, unfunded and underfunded federal
13 mandates continue to pose an undue burden on state and local governments. NCSL
14 calls upon the federal government to reassess the Unfunded Mandate Reform Act and
15 to broaden its scope and increase its effectiveness.

16 Specifically, we call on Congress and the President to eliminate and avoid:

- 17 • Direct federal orders without sufficient funding to pay for their implementation;
- 18 • Burdensome conditions on grant assistance;
- 19 • Cross sanctions and redirection penalties that imperil grant funding in order to
20 regulate and preempt the states actions in both related and unrelated
21 programmatic areas;
- 22 • Amendments to the tax code that impose direct compliance costs on states or
23 restrict state revenues;
- 24 • Overly prescriptive regulatory procedures that move beyond the scope of
25 congressional intent;
- 26 • Incomplete and vague definitions which cause ambiguity; and
- 27 • Perceived or actual intrusion on state sovereignty.

28 Unfunded mandates result in substantial costs to state and local governments and,
29 collectively, have eroded state legislators' control over their own states' budgets.

30 NCSL continues to demand sufficient federal funding for state-federal partnership
31 programs through the mechanism of mandatory spending. If the federal government is
32 unwilling to provide such funding as an entitlement to the states, states should be
33 absolved of their legal responsibility to provide services to entitled individuals and fulfill
34 other federal mandates. One approach is the “trigger” mechanism that would delay
35 mandated activities in any year in which the federal government does not meet its state
36 funding commitment.

37 Specifically, NCSL encourages the federal government to enact the following:

- 38 • Expand the definition of an unfunded mandate to include:
 - 39 ○ All open-ended entitlements, such as Medicaid, child support and Title 4E
40 (foster care and adoption assistance);
 - 41 ○ Proposals that would put a cap on or enforce a ceiling on the cost of
42 federal participation in any entitlement or mandatory spending program;
 - 43 ○ Proposals that would reduce state revenues, especially when changes to
44 the federal tax code are retroactive or otherwise provide states with little or
45 no opportunity to prospectively address the impact of a change in federal
46 law on state revenues;
 - 47 ○ Proposals that fail to exceed the statutory threshold only because they do
48 not affect all states; and
 - 49 ○ New conditions of federal funding for existing federal grants and
50 programs, including costs not previously identified, including mandated
51 results.

- 52 • Ensure that any proposal that places a cap or enforces a ceiling on federal
53 funding must be accompanied by statutory offsets that reduce state spending,
54 administrative duties or both;
- 55 • Expand legislation subject to UMRA review;
- 56 • Revise the definitions of mandates, direct costs or other provisions of the law to
57 capture and more accurately reflect the true costs to state governments of
58 particular federal actions;
- 59 • Require that mandate statements accompany appropriations bills;
- 60 • Require federal reimbursement for mandated costs imposed on state and local
61 governments by any new federal mandates;
- 62 • Improve and enforce Title II, including strengthening the consultation process for
63 state and local governments and requiring agencies to prepare and disseminate
64 federalism assessments as to the cost of proposed regulations on state and local
65 governments. State legislatures should be consulted throughout the regulatory
66 process to respond to agency proposals and provide feedback on various options
67 for implementing regulations;
- 68 • Create an office within the Office of Management and Budget that is analogous
69 to the State and Local Government Cost Estimates Unit at the Congressional
70 Budget Office. This should include an annual regulatory statement analyzing the
71 direct and indirect impacts of federal rules on state and local governments to
72 ensure more accountability and information on federal mandates;
- 73 • Enforce executive orders that call for principles of federalism and urge agencies
74 to have an accountable process to ensure for meaningful and timely input by
75 state and local officials in the development of regulatory policies;
- 76 • Avoid preemption of state laws; and
- 77 • Repeal or modify certain existing mandates as recommended by other NCSL
78 resolutions.

1 **COMMITTEE: COMMITTEE ON BUDGETS AND REVENUE**

2 **POLICY: STATE AND FEDERAL BUDGETING: PARTNERING**
3 **TO MAKE POLICY**

4 **TYPE: DIRECTIVE**

5 It is the policy of the National Conference of State Legislatures to advance and defend a
6 balanced, dynamic partnership among local, state and federal level governments.

7 Too often, the federal government has responded to budget pressures by simply shifting
8 costs and exporting deficits to the states. The federal government should resist
9 accomplishing national goals through unfunded mandates on state and local
10 governments.

11 NCSL believes that the federal government must:

- 12 • Maintain its financial commitment to federal programs that rely on state
13 participation for implementation and provide stable and predictable funding for
14 state-federal partnership programs;
 - 15 ○ Maintain its matching rate for federal programs for which it shares
16 responsibility with state governments. Where match rate reductions are
17 proposed for shared programs, there should be a corresponding reduction
18 in the regulatory and administrative burdens imposed on states; and
 - 19 ○ Avoid delaying the release of funds for state-federal programs within a
20 fiscal year.
- 21 • Affirm the role of state legislatures in their appropriation and oversight of federal
22 funds;
 - 23 ○ Streamline the waiver process that states are subject to concerning
24 education, the environment, human services, Medicaid, health and other
25 programs; and
 - 26 ○ Limit the federal oversight role of state grant funds to audit and evaluation.

- 27 • Avoid unfunded mandates and underfunded national expectations in state-
28 federal partnerships;
 - 29 ○ Avoid increasing federal domestic programs at the expense of funding for
30 state administration or state sharing ratios; and
 - 31 ○ Fully fund the long-term maintenance as well as the short-term startup
32 costs of federal mandates; and
 - 33 ○ Avoid capping federal entitlement spending while retaining the legal
34 entitlement obligation of the states; and
 - 35 ○ Avoid the long-term commitment of funds based on short-term revenue
36 projections.
- 37 • Minimize the imposition of state maintenance of effort requirements in existing
38 and future federal fiscal assistance-related legislation;

39 NCSL believes the federal government should maintain its guaranteed financial
40 commitment to federal-state programs. Any devolution of federal responsibilities to the
41 states should constitute a serious attempt at restoring balance to the state-federal
42 partnership and not result in any reduction of the federal financial commitment to
43 affected programs either in the short or long run. To that end, NCSL has developed a
44 set of principles for any new block grant the federal government considers. Because
45 state legislatures are the bodies that are most involved in the decision-making process
46 with regard to program delivery in the states, we urge Congress and the administration
47 to adhere to the following principles when constructing any new block grant plan or
48 revising any existing block grant program:

- 49 • Funding levels for block grants must be adequate to finance mandated programs
50 long-term and to respond to economic changes through countercyclical
51 assistance.
- 52 • In the event that Congress imposes "maintenance of current level of services"
53 mandates on funds appropriated for any federal grant program, Congress should

54 provide the funds necessary to maintain and support the current levels of
55 services existing at the time of such mandates. State "maintenance of effort"
56 (MOE) clauses are inappropriate for program consolidations. Requiring states to
57 spend a fixed amount while implementing decreases in federal funding for block
58 grants is equivalent to an unfunded mandate.

59 • The consolidation of categorical programs into a single funding stream should not
60 be accompanied by a limitation in the types of services provided or constitute
61 new mandatory categories of services.

62 • Language should be included in any block grant legislation that allows federal
63 block grant funds to be distributed or expended "according to state law." Federal
64 law must allow each state to choose the manner of appropriation of federal block
65 grants. States should be authorized to determine the agency within state
66 government that is responsible for carrying out public participation requirements.

67 • Maximum flexibility in terms of program implementation and administration
68 should be maintained.

69 • Technical assistance to states by federal agencies during transition to any block
70 grant should be provided.

71 • State reporting requirements should not be burdensome or require the use of
72 funds that would otherwise be spent on program delivery.

73 • The federal government should not create new entities to oversee the
74 implementation of any block grants to the states.

75 • Federal agencies and their administrators should rely on the single audits
76 prepared by the states. The federal government should pay the full costs for
77 performing these audits.

78 Given the interdependency of federal government activities with state and local
79 economies, and recognizing that a federal government shutdown has serious

80 implications for state and local governments, NCSL believes that in the event of a
81 federal government shutdown, the federal government must:

- 82 • Establish a National Incident Management System (NIMS) structure, including an
83 Incident Command System (ICS), to integrate and manage the shutdown and to
84 involve all levels of government in the coordination of the incident;
- 85 • Provide flexible, temporary authority to states that have a federally-approved
86 contingency plan to assume basic-level operations of selected national parks and
87 laboratories; and
- 88 • Reimburse state funding with interest that was spent providing services that
89 otherwise would have been paid for with federal funds.

1 **COMMITTEE: BUDGETS & REVENUE**

2 **POLICY: STATE AND FEDERAL BUDGETING: PRINCIPLES FOR**
3 **FUNDAMENTAL TAX REFORM**

4 **TYPE: DIRECTIVE**

5 It is the policy of the National Conference of State Legislatures to advance and defend a
6 balanced, dynamic partnership among local, state and federal governments.

7 Tax reform efforts and tax actions at the federal level affect states because:

- 8 • Federal and state tax systems are inextricably linked;
9 • Federal programs rely on state participation for implementation; and
10 • Any federal reform will likely have serious fiscal and administrative ramifications
11 on the states.

12 Therefore, NCSL urges that all federal tax reform and other actions be guided by the
13 following principles:

14 **General**

- 15 • Preserve the fiscal viability and sovereignty of state governments;
16 • Encourage work, savings, equity and simplicity;
17 • Promote efficiency and predictability;
18 • Avoid further intrusion upon the state excise tax base;
19 • Preserve states' ability and discretion to tax certain revenue sources; and
20 • Preserve the ability of state and local government to adopt fair and effective tax
21 systems. This includes authorizing states with sales and use taxes to require
22 interstate sellers to collect and remit those taxes and preserving the state and
23 local income tax, sales tax and property tax deductions for federal income tax
24 purposes.
25 • Continue tax policies that reward work, specifically the Earned Income Tax Credit
26 (EITC) and Individual Development Accounts (IDAs).

27 **Transition**

- 28 • Provide states with adequate transition time to implement and respond to new
29 tax systems, preferably up to three or more years.
- 30 • Avoid the negative state impact of retroactive application of tax changes.
- 31 • Provide technical expertise to states to ease any transition of administrative
32 responsibilities to the states resulting from federal tax reform.
- 33 • Provide adequate federal administrative funds for any federal tax reform that
34 involves modified or increased collection responsibilities for the states.
- 35 • Ensure that federal tax changes are made in a manner that preserves federal
36 data collection used by the states.

37 **Do No Harm**

- 38 • Provide flexibility and strengthen states' ability to finance and administer
39 programs for which they are traditionally responsible or have gained through
40 devolution.
- 41 • Recognize that federal tax reductions should not compromise funding for existing
42 and future commitments to mandated state-federal partnership programs.
- 43 • To the extent that a national sales, consumption, or value-added tax is
44 considered as part of ongoing deficit reduction efforts, the historic role of such
45 taxes as a major revenue source for state and local governments must be
46 protected and all deliberations concerning such taxes must include
47 representatives of the federal government's partners in the nation's cities and
48 states.

49 **Tax-Exempt Financing/Bonds**

- 50 • Preserve tax-exempt financing for infrastructure and capital projects, including
51 the use of public-private partnerships.
- 52 • Maintain the tax-exempt status of state and local government bonds and lift
53 existing restrictions on state and local government use of tax-exempt bonds.
- 54 • Avoid provisions that weaken the fiscal integrity of state and local governments.
55 This includes: the arbitrage rebate provisions, which essentially are a one-
56 hundred percent tax on the interest income of state and local governments; the

57 alternative minimum tax, which now taxes interest from otherwise tax-exempt
58 bonds; volume caps, which have unduly restricted the use of bonds for projects
59 that have increasingly become governmental responsibilities; and restrictions on
60 advance refunding which increases the cost of government.

- 61 • Support the Mortgage Revenue Bond (MRB) program and the low-income
62 housing tax credit.

63 **Enforcement**

- 64 • Increase enforcement efforts of the federal income tax laws so individual and
65 business taxpayers are not bearing the burden of those who fail to pay owed
66 taxes.
- 67 • Continue to take into account states' reliance on federal tax rates and federal
68 collection efforts.

69 **Payment in Lieu of Taxes**

70 The National Conference of State Legislatures supports federal efforts to:

- 71 • Continue, but reform the Payment in Lieu of Tax Program (PILT) program; to
72 create a more predictable, fair and flexible system that accurately reflects the
73 fiscal effects of federal lands on state and local governments; and
- 74 • Provide full funding for the PILT program, provided that this goal is accomplished
75 in a manner consistent with long-term federal debt management and deficit
76 reduction; and
- 77 • Provide a more flexible payment system through authorization for the transfer of
78 land of equivalent value from the federal government to states or counties in lieu
79 of monetary payment, consistent with state statutes, and practice.

80 **State Legislators' Tax Issues**

81 The National Conference of State Legislatures supports the standard deduction allowed
82 state legislators under section 162 (h) of the Internal Revenue Code. Regulation,
83 interpretation, or other statutes should not undermine the section. Regulations
84 implementing this code section should reflect the intent of Congress and should include
85 the following recommendations:

- 86 • A "session day" should mean a day in session as defined by the laws or rules of
87 the state of residence of the legislator.
- 88 • A "committee" of the legislature should mean 1) a committee of one or more
89 legislators conducting the business of [or reporting to] the legislature, or 2) a
90 committee created by state or federal statute, resolution, order or rule on which
91 the legislator serves in his or her capacity as a legislator. This definition of
92 "committee" should include caucuses that conduct the business of the
93 legislature.
- 94 • "State legislator" should include newly-elected legislators who attend official
95 organizational meetings prior to administration of their oath of office.

96 **Other**

- 97 • Prohibit further preemption of state courts by refusing to give federal courts
98 jurisdiction to establish the valuation of property for state and local tax purposes
99 or by refusing to give selected classes of state and local taxpayers procedural
100 and substantive privileges unavailable to most taxpayers.
- 101 • NCSL also encourages Congress and the administration to review the Railroad
102 Revitalization and Regulatory Reform Act (4-R Act) to determine if the courts
103 have expanded the 4-R Act beyond the original intent of Congress and reject
104 federal legislation that would extend to other industries 4-R type benefits.
- 105 • NCSL requests the federal government to respect the sovereignty of states to
106 allow or prohibit games of chance or skill. Any effort by Congress or the
107 administration to reform this regulation preempts states and diminishes the
108 flexibility of state legislatures to use this mechanism as a revenue-related tool to
109 meet the unique needs of residents of each state.

NCSL RULES OF PROCEDURE

RULE I RULES OF PROCEDURE

[A] These rules of procedure shall be construed in conformity with the Bylaws of the National Conference of State Legislatures.

[B] On any issue not covered by these rules of procedure or by the Bylaws, Mason's Manual of Parliamentary Procedure shall be the standard authority, when applicable.

RULE II INTRODUCTION, REFERRAL AND DISSEMINATION OF POLICY DIRECTIVES, RESOLUTIONS AND AMENDMENTS

[A] Any legislator may file a policy directive, resolution or amendments to an existing policy directive or resolution designed for consideration at the Forum Business Meeting or the Annual Business Meeting.

[B] Policy directives and resolutions developed by the Standing Committees shall be directed at Congress, the Administration, or the federal courts, and shall be related to issues that affect the states and shall be consistent with support of state sovereignty and state flexibility and protection from unfunded federal mandates and unwarranted federal preemption.

[C] Resolutions shall be used to (1) bolster a lobbying position; (2) clarify a question of ambiguity in current policy; (3) provide guidance about the specifics of pending regulatory federal decisions; or (4) provide guidance about strategy or tactics regarding a lobbying matter.

[D] There shall be a Memorial Calendar for resolutions that do not comply with Rule II [B]. Members shall file memorial resolutions with the Executive Director in accordance with other provisions of these Rules. The legislator co-chairs of the standing committees shall refer such resolutions to the appropriate standing committee or the Executive Committee. Memorial resolutions adopted by the Forum business meetings, or Executive Committee shall be placed on the memorial calendar of the Annual Business Meeting.

[E] Policy directives, resolutions or amendments to existing policy directives or resolutions shall be filed with the Executive Director or designee at least thirty days prior to the Forum Business Meeting or Annual Business Meeting. The overall legislator Co-Chairs of the Standing Committees, in consultation with the Co-Chairs of the appropriate standing committee, may waive the thirty day deadline under extraordinary circumstances. The legislator Co-Chairs of the Standing Committees shall refer such policy directives, resolutions and amendments to existing policy directives or resolutions promptly to the appropriate standing committee or committees. Each policy directive, resolution and amendment to an existing policy directive or resolutions shall be reviewed and acted upon by the committee to which it is referred.

[F] Policy directives, resolutions and amendments to existing policy directives or resolutions originating in the standing committees shall be submitted to the Executive Director or designee for referral by the legislator Co-Chairs of the Standing Committees at least thirty days prior to the Forum Business Meeting or Annual Business Meeting. The legislator Co-Chairs of the Standing Committees, in consultation with the Co-Chairs of the appropriate standing committee, may waive the thirty day deadline under extraordinary circumstances. The legislator Co-Chairs of the Standing Committees shall refer such policy directives, resolutions and amendments to existing policy directives or resolutions promptly to the appropriate standing committee or committees.

[G] Standing committees shall disseminate draft policy directives, resolutions and amendments to existing policy directives or resolutions at least twenty days prior to the Forum Business Meeting or Annual Business Meetings. Distribution shall be to all standing committee members, members of the NCSL Executive Committee, legislative leaders of the member jurisdictions and others as determined by the legislator Co-Chairs of the Standing Committees. The legislator Co-Chairs of the Standing Committees, in consultation with the appropriate committee Co-Chairs, may waive this deadline under extraordinary circumstances.

RULE III

POLICY DIRECTIVES AND RESOLUTIONS, AND AMICUS BRIEF ADOPTION PROCESS

[A] All policy directives and resolutions produced by an NCSL standing committee shall be submitted to the Forum Business Meetings or the Annual Business Meeting for adoption. All policy directives and resolutions produced by the NCSL standing committees and the Forum Business Meetings shall be submitted to the Annual Business Meeting for final adoption. In the interim between Legislative Summits, policy directives and resolutions may be adopted by Committees, but they shall clearly indicate that they are the policy directives and resolutions of that Committee, and not of the Conference as a whole.

[B] In emergency circumstances, when there is insufficient time to consider a new policy directive or resolution under normal processes, policy directives or resolutions having the same force and effect as policy directives and resolutions adopted by the full Conference may be established by either of the following means: (1) majority vote of the legislator members, present and voting, of the Executive Committee in meeting assembled; or (2) the unanimous agreement by conference call of the NCSL President, the NCSL President-Elect, the NCSL Vice President, the NCSL Immediate Past President, the legislator Co-Chairs or a legislator Vice Chair of the NCSL Standing Committees, and the Co-Chairs or Vice Chair of the appropriate standing committee or committees.

[C] All policy directives of the Conference shall not expire but must be reviewed by the standing committee of jurisdiction at least once every four years and can be updated or amended by a standing committee at any time, adhering to the NCSL By-Laws and Rules of Procedure. All resolutions of the Conference shall automatically terminate one year after the Annual Business Meeting at which they are adopted, unless reaffirmed in the normal policy process.

[D] The decision to name NCSL as an amicus curiae on briefs filed before the U.S. Supreme Court shall be by unanimous agreement of the NCSL President, the NCSL Immediate Past President, the NCSL President-Elect, the NCSL Vice President, the legislator Co-Chairs of the NCSL Standing Committees, the legislator Co-Chairs of the Law, Criminal Justice and Public Safety Committee and legislator Co-Chairs of other standing committees that have jurisdiction over the question to be resolved by the amicus brief. In the event any person voting indicates a veto, the President may initiate a conference call to allow for discussion and to confirm each person's vote.

RULE IV STANDING COMMITTEE PROCEDURES

[A] There shall be standing committees and task forces of NCSL whose number and jurisdictions are determined by the Executive Committee. The standing committees and task forces (1) consider federal issues that affect states; (2) formulate policy positions on federal issues; (3) exchange information about state and federal policy matters; (4) consider and evaluate innovative approaches to state issues; (5) develop policy options and recommendations regarding state issues and legislative organization, management and procedures.

[B] There shall be overall legislator Co-Chairs and overall legislative staff Co-Chairs of the Standing Committees. The legislator Co-Chairs shall be appointed for a term of two years by the NCSL President and President-elect. There shall be at least two overall legislator vice chairs balanced by political party who shall be appointed by the NCSL President and President-elect for a term of two years.

The overall legislative staff Co-Chairs and the overall legislative staff vice chairs serve staggered terms of two years. Each year, the Staff Chair appoints one staff Co-Chair and at least one staff vice chair to a two-year term.

[C] A quorum for the adoption of policy directives and resolutions in Standing Committees shall consist of representation of appointed legislator members, or in their absence, legislator substitutes designated in writing by appointed members' presiding officers, from at least ten (10) member jurisdictions. Letters designating substitutes or new appointments shall be delivered to the appropriate legislator committee Co-Chairs no later than the beginning of the committee session at which a vote on public policy will occur. The Legislator Co-Chairs of each standing committee shall, prior to a committee vote(s) on a matter of public policy, establish the presence of a quorum.

[D] All voting in standing committees, subcommittees or task forces shall be by voice, except when a roll call vote is requested by two (2) member jurisdictions, or is called by the legislator Co-Chairs.

[E] On matters of public policy that place the standing committees, subcommittees, and task forces on public record, an affirmative vote of three-fourths (3/4) of the member jurisdictions who respond to the most recent quorum call is required. A state not present for the most recent quorum call can before the start of the next roll call vote request recognition from the presiding legislator chair and be recorded as present for purposes of the quorum. New quorum calls shall be conducted at the request of five (5) member jurisdictions. On all other matters, a quorum being present, action is final by majority vote of the member jurisdictions who responded to the most recent quorum call.

[F] Votes on matters of public policy shall be cast by appointed legislator members, or in their absence, by legislator substitutes designated in writing by appointed members' presiding officers. All legislators duly registered for the fall and spring meetings shall be entitled to vote at the business meeting. Legislative staff shall not be entitled to vote on matters of public policy. In the event of a roll call vote, each member jurisdiction shall be entitled to cast one undivided vote. Each member jurisdiction shall select a spokesperson who will announce the vote of the delegation. Disputes on the presence of a quorum or voting procedures shall be settled by ruling of the legislator chair.

[G] Co-Chairs of the standing committees have authority to preserve order and decorum and have charge of the rooms in which the committees meet.

[H] Each standing committee, subcommittee and task force shall produce a summary of each of its meetings. Included in the summary shall be a record of its roll call votes by member jurisdiction.

[I] Standing committees, shall approve, approve with amendment, postpone, table or defeat each policy directive and resolution submitted to it.

RULE V

STEERING COMMITTEE PROCEDURES

[A] There shall be a Steering Committee of the Standing Committees, which shall be composed of the overall legislator and legislative staff Co-Chairs of the Standing Committees, the overall legislator and legislative staff vice chairs of the Standing Committees, and the legislator and legislative staff Co-Chairs of each standing committee. The committee Co-Chairs shall designate a legislator committee vice chair and the legislative staff Co-Chairs shall designate a legislative staff vice chair to represent the committee with the Steering Committee in their absence. Only legislator members of the Steering Committee shall vote on policy directives and resolutions, amendments to policy directives and resolutions, and procedural motions related thereto, except legislative staff shall be allowed to vote on joint and re-referrals of policy directives and resolutions.

[B] The Steering Committee at its meeting prior to the standing committee meetings shall review policy directives, resolutions and amendments to policy directives and resolutions filed under Rule II for inconsistencies to Rule II [B] and omissions. Policy directives, resolutions or amendments to policy directives and resolutions that are determined by a majority vote of the legislator members of the Steering Committee to be inconsistent with Rule II [B] shall not be considered by the standing committee to which such policy directive, resolution or amendment was referred.

[C] The Steering Committee at its meeting prior to the standing committees meetings shall determine, by majority vote, policy directives, resolutions and amendments to policy directives and resolutions to be considered by more than one committee. The Steering Committee shall designate one standing committee as the lead committee on each jointly-referred resolution. Any standing committee to which the resolution is referred may report the resolution on the floor. If the lead committee adopts a version of the resolution, it shall be considered first at the Forum Business Meeting or Annual Business Meeting; other committees shall offer their versions and amendments from the floor.

[D] In its meeting following the meetings of the standing committees, the Steering Committee shall establish the order of business and calendars for the business meetings; and designate policy directives and resolutions to be re-referred to one or more other committees. The policy directives or resolutions approved by the committee with original jurisdiction automatically shall be placed on the debate calendar at the next Forum Business Meeting or Annual Business Meeting. If the committee to which the policy directive or resolution is re-referred approves changes to it, it shall offer its version as an amendment on the floor. The Steering Committee shall also identify emerging state and federal issues; coordinate outreach to legislators and staff regarding the standing committees; coordinate planning of the Forum meetings; and consider the use of innovative technologies and communications devices for conducting meetings, increasing participation and informing legislators and staff about the work of the Standing Committees.

RULE VI

QUORUM AND PROXIES | FORUM AND ANNUAL BUSINESS MEETINGS

[A] As required by the Bylaws, a quorum for the transaction of business at the Annual Meeting shall consist of representation from at least twenty (20) member jurisdictions.

[B] As required by the Bylaws, voting rights of a member may not be delegated to any other person nor exercised by proxy.

RULE VII

VOTING IN FORUM AND ANNUAL BUSINESS MEETINGS

[A] All action in the Forum Business Meeting or Annual Business Meeting shall be by voice vote except when a roll call vote is requested by not less than five member jurisdictions or is ordered by the chair.

[B] As provided in the Bylaws, on any vote that places the Conference on record in a matter of public policy, an affirmative vote of three quarters (3/4) of the member jurisdictions who respond to the most recent quorum call shall be required. A state not present for the most recent quorum call can, before the start of the next roll call vote, request recognition from the presiding legislator chair and be recorded as present for purposes of the quorum. New quorum calls shall be conducted at the request of not less than five (5) member jurisdictions. On all other matters, action is final by majority vote of the member jurisdictions who responded to the most recent quorum call. On any vote that places the Conference on record in a matter of public policy, legislative staff shall not be entitled to vote.

[C] In the event of a roll call vote, each member jurisdiction shall be entitled to cast one undivided vote. Prior to the Forum Business Meeting and the Annual Business Meeting, each member jurisdiction shall select the spokesperson who will announce the vote.

[D] When a roll call is being taken, the member jurisdictions shall be called in alphabetical order by the Executive Director. The spokesperson for the delegation shall reply by giving his or her name and then announcing the vote of the delegation.

[E] If there is a challenge by a member of a delegation as to who shall be its spokesperson or as to the announced vote, the jurisdiction shall be called upon again. If the challenger continues the challenge, the chair shall poll the delegation and shall declare that the majority of said delegation prevails.

[F] Until the chair announces the results of a vote, a jurisdiction has the right to change its vote, or to have its vote recorded if it was not recorded during the initial call of the vote, based on the most recent quorum call.

[G] Consideration of policy directives and resolutions shall be by calendar. The consent calendar shall be limited to policy directives and resolutions approved previously at the Forum Business Meetings or reported unanimously by an NCSL standing committee at the annual meeting. The debate calendar shall include all policy directives and resolutions passed by the NCSL standing committees without unanimity; policy directives and resolutions removed from the consent calendar by majority vote of the Steering Committee; and policy directives and resolutions removed from the consent calendar at the Annual Business Meeting at the request of three (3) member jurisdictions. The memorial calendar shall include all resolutions that do not comply with Rule II [D], and approved according to rules governing consideration of policy directives and resolutions.

[H] All policy directives, resolutions and amendments shall be submitted in writing, adhering to the NCSL By-Laws and Rules of Procedure, and available prior to the vote of member jurisdictions. .

[I] Policy directives and resolutions that have been tabled or postponed by a committee may be brought for consideration following disposition of the debate calendar by a vote of two thirds (2/3) of the member jurisdictions who respond to the most recent quorum call on a motion to discharge the committee from further consideration. If thus brought up for consideration, the policy directives and proposed resolutions shall be voted upon under the rules governing consideration of policy directives and resolutions.

RULE VIII

RECOMMENDATIONS REGARDING STATE ISSUES AND LEGISLATIVE MANAGEMENT

[A] Standing committees, subcommittees, and task forces are authorized to issue reports, recommendations, and findings regarding state issues and legislative management. All such work products shall be approved by a majority of the member jurisdictions who responded to the most recent quorum call, and shall be clearly identified only as the work of that committee, subcommittee or task force. These work products shall be reported to the Executive Committee for any appropriate further action.

RULE IX

ADOPTION, AMENDMENT AND SUSPENSION OF RULES

These rules shall remain in effect until such time as they are amended at an Annual Meeting of the Conference. Any amendment or suspension of such rules shall require a three-fifths (3/5) vote of the member jurisdictions who respond to the most recent quorum call. New quorum calls shall be conducted at the request of not less than five (5) member jurisdictions. Any motion to suspend shall be clear with respect to the rule or rules to which it applies.

NCSL Rules of Procedure amended at Legislative Summit, Seattle, Aug. 6, 2015.

NCSL STANDING COMMITTEE BUSINESS MEETING PROCEDURE

- Please note, that for all standing committee business meetings as well as the Legislative Summit's and the NCSL Capitol Forum's General Business Meetings, all documents will be digitally provided. All policy directives, resolutions and appropriate documents will be available on NCSL's App.
- The presiding legislator co-chair shall establish the presence of a quorum. The quorum for the adoption of policy directives and resolutions in a standing committee shall consist of representation of appointed legislator members from at least 10 states. For the Business Meeting of the NCSL Capitol Forum and Legislative Summit, the quorum is 20 states.
- A legislator member from a state not present for the most recent quorum call can, before the start of the next roll call vote, request recognition from the presiding legislator co-chair and be recorded as present for purposes of the quorum.
- Each committee shall review and act on all policy directives or resolutions referred to the committee.
- If a committee fails to take up any policy directive or resolution on its agenda before the scheduled time of the committee meeting expires, those policy directives and resolutions would be considered tabled and held over until the next meeting of the committee.

VOTING DURING BUSINESS MEETINGS

- In standing committees, only duly appointed legislator members can vote on matters of public policy. At the NCSL Capitol Forum and Legislative Summit Business Meeting all legislators registered for the meeting may vote.
- All voting in a Business Meeting shall be by a voice vote, except when a roll call is requested by at least one legislator from two member states in the standing committee, five member states on the floor of the general business meeting or is called by the presiding legislator co-chair.
- During a roll call vote on a question, only states that were recorded as present during the most recent quorum call shall be called on to vote.
- The vote by a state shall represent the majority view of all the duly appointed legislator members from the state present and voting. If the legislator members in a state delegation are evenly divided, the state vote would be recorded as present.
- On matters of public policy, an affirmative vote of three-fourths (3/4) of the states responding to the most recent quorum call shall be required. This means that states that pass, abstain or vote present would be counted.
- For all amendments to policy directives and resolutions under consideration in a business meeting, a simple majority of the states responding to the most recent quorum call shall be required.
- At such time that the presiding legislator co-chair announces the vote on a policy directive or resolution, the vote is final. A motion to reconsider a question can be made by any legislator member in the committee, or by any legislator on the floor of the general business meeting.
- If a policy directive or resolution passes the committee unanimously it will be reported to the Consent Calendar. Policy directives or resolutions adopted at the previous NCSL Capitol Forum shall also be considered on the first Consent Calendar of the Legislative Summit. There were no policies or resolutions considered at the 2016 NCSL Capitol Forum. Any policy statement or resolution receiving at least one no vote shall be reported to the Debate Calendar.
- Policy directives or resolutions may be removed from a Consent Calendar during the Business Meeting at the request of three member jurisdictions. The policy directive or resolution would then move to the Debate Calendar for consideration.