



## NATIONAL CONFERENCE of STATE LEGISLATURES

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**Bruce W. Starr**  
*Senator  
Oregon  
President, NCSL*

**Thomas W. Wright**  
*Chief of Staff to Speaker  
Alaska  
Staff Chair, NCSL*

**William T. Pound**  
*Executive Director*

November 12, 2013

The Honorable Debbie Stabenow  
Chairman  
Agriculture, Nutrition and Forestry Committee  
United States Senate  
133 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Frank D. Lucas  
Chairman  
Agriculture Committee  
United States House of Representatives  
2311 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Thad Cochran  
Ranking Member  
Agriculture, Nutrition and Forestry Committee  
United States Senate  
113 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Collin Peterson  
Ranking Member  
Agriculture Committee  
United States House of Representatives  
2109 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Stabenow, Senator Cochran, Chairman Lucas and Representative Peterson:

We write on behalf of the National Conference of State Legislatures (NCSL) to respectfully urge you to complete work on the 2013 Farm Bill Reauthorization this year and to ensure certainty for both the farm and nutrition communities. However, NCSL has concerns with certain provisions in H.R. 2642, the Federal Agriculture Reform and Risk management Act of 2013 that would erode state sovereignty by preempting state laws protecting our nation's food production and manufacturing as well as increase state administrative costs and complexities to provide nutrition assistance to millions of Americans. NCSL is the national bipartisan organization representing state legislatures in all fifty states and our nation's territories, commonwealths and the District of Columbia.

NCSL opposes Section 11312 of the H.R. 2642, the "King Amendment", that would preempt state agricultural statutes enacted by state legislatures to protect the safety and well being of our nation's farmland, waterways, forests and most importantly, the health and welfare of our constituents. The Tenth Amendment is the cornerstone of constitutional federalism and reserves broad powers to the states and to the people. States have used this authority to enact laws that protect their citizens from invasive pests and livestock diseases, maintain quality standards for all agricultural products and ensure food safety and unadulterated seed products.

**Denver**  
7700 East First Place  
Denver, Colorado 80230  
Phone 303.364.7700 Fax 303.364.7800

**Washington**  
444 North Capitol Street, N.W. Suite 515  
Washington, D.C. 20001  
Phone 202.624.5400 Fax 202.737.1069

Website [www.ncsl.org](http://www.ncsl.org)  
Email [info@ncsl.org](mailto:info@ncsl.org)

The sponsors of Section 11312 argue that out of state producers of agricultural products are unfairly burdened by having to comply with the laws of other states; however, this is not case. In the example that the amendment sponsors use to justify Section 11312, the state law applies equally and fairly to both home state and out of state producers. This is not a Commerce Clause issue but clearly an effort by some in Congress to weaken the sovereignty of states to protect the health and general welfare of its citizens. **NCSL urges conferees to uphold the Tenth Amendment by not including Section 11312 in the 2013 Farm Bill conference agreement.**

NCSL supports provisions in the nutrition titles of the House and Senate bills that will improve access to healthy food options to low-income families, particularly the provisions that make fresh fruits and vegetables and other healthy food available. However, NCSL opposes Supplemental Nutrition Assistance Program (SNAP) provisions in H.R. 2642 that would increase state administrative costs and program complexity. The provisions limiting categorical eligibility will require states to re-determine an individual's eligibility for SNAP after his or her eligibility has already been established in a program with similar eligibility requirements. NCSL opposes this requirement because it reduces state flexibility and increases state costs.

NCSL opposes the House proposal to eliminate the high performance state bonus program. The program provides an incentive to states to administer SNAP in an efficient, accurate manner by competing against one another for a monetary bonus. The bonus has been successful in improving program performance, payment accuracy and services resulting in a historic low error rate for SNAP.

The SNAP reforms included in the Agriculture Reform, Food and Jobs Act of 2013, S. 954, achieve the right balance of continuing the important state federal partnership in administering the SNAP program and providing vital nutrition assistance to millions of Americans. **NCSL urges you to adopt the Senate passed SNAP provisions**, including the Senate provisions allowing Low-Income Home Energy Assistance Program (LIHEAP) recipients to receive SNAP benefits at the LIHEAP minimum payment at above \$10, in the conference report.

On behalf of our colleagues, we look forward to working with you throughout the process of reauthorizing the Farm Bill. For more information on state laws preempted by Section 11312, the King Amendment, please contact Ben Husch ([ben.husch@ncsl.org](mailto:ben.husch@ncsl.org) / 202-624-7779). For information related to the nutrition title and SNAP please contact Joy Johnson Wilson ([joy.wilson@ncsl.org](mailto:joy.wilson@ncsl.org) / 202-624-8689).

Sincerely,



Senator Bruce Starr  
Oregon Senate  
President, NCSL



Senator Debbie Smith  
Nevada Senate  
President-Elect, NCSL



Senator Curt Bramble  
Utah Senate  
Vice-President, NCSL



Speaker Terie Norelli  
New Hampshire House of Representatives  
Immediate Past President, NCSL