

**Combined Energy and Environment Subcommittee Meeting**  
**Energy, Environment and Agriculture Task Force**  
**States and Nation Policy Summit | Nashville, TN**  
**Wednesday, December 6, 2017**  
**8:00 – 10:00 AM**  
**Tentative Agenda**

**8:00am:** Call to Order

**8:05am:** Presentation and Discussion on Resolution Calling for EPA Review of the 2009 Endangerment Finding for Greenhouse Gases

**8:30am:** Carbon Tax Panel

**9:15am:** Emergency Preparedness Panel

**9:55am:** Good of the Order and Adjournment

**Agriculture Subcommittee Meeting**  
**Energy, Environment and Agriculture Task Force**  
**States and Nation Policy Summit | Nashville, TN**  
**Wednesday, December 6, 2017**  
**10:00 – 10:50 AM**  
**Tentative Agenda**

**10:00am:** Call to Order

**10:05am:** Agricultural Hemp Panel

**10:50am:** Good of the Order and Adjournment

**Energy, Environment and Agriculture Task Force  
States and Nation Policy Summit | Nashville, TN  
Thursday, December 7, 2017  
2:30 – 5:30 PM  
Tentative Agenda**

**2:30 PM:** Call to Order & Welcome

**2:35 PM:** New Member Introductions

**2:45 PM:** Subcommittee Reports

**2:55 PM: Model Policy Consideration:** Resolution Calling for EPA Review of the 2009 Endangerment Finding for Greenhouse Gases

**3:05 PM: Presentation:** Clean Power Plan Update

**3:15 PM: Presentation:** Expanding Natural Gas Distribution Infrastructure

**3:40 PM: Model Policy Consideration:** Auxiliary Container Act

**3:50 PM Sunset Model Policy Considerations:**

- Resolution on Resolution Urging Quick Congressional Action on the Recommendations of The Blue-Ribbon Commission on America's Nuclear Future
- U.S. Conference of Mayors Climate Protection Agreement Accountability

**4:05 PM: Presentation:** Agricultural Trade Update

**4:25 PM: Updates from Washington**

- U.S. Department of the Interior
- U.S. Department of Agriculture

**5:05 PM: Model Policy Consideration:** Critical Infrastructure Protection Act

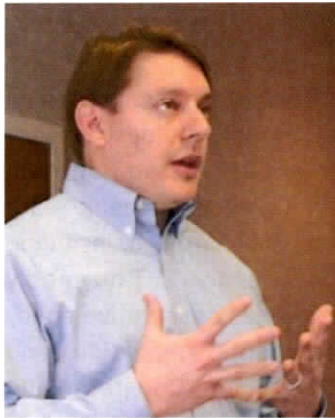
**5:15 PM: Presentation:** Center for Innovation and Technology Update

**5:25 PM:** For the Good of the Order

**5:30 PM:** Adjournment

## 2017 States & Nation Policy Summit Speaker Biographies

### Subcommittee Speakers:



**Steve Milloy** is a recognized leader in the fight against junk science with more than 25 years of accomplishment and experience. He is also a policy advisor to The Heartland Institute.

Credited with popularizing the term “junk science,” Milloy is the founder and publisher of JunkScience.com and, from 2000-2009, wrote the popular “Junk Science” column for FOXNews.com. He is an expert on energy, environmental and public health issues, a public affairs consultant, author, TV/radio commentator and public speaker. Milloy was trained in natural sciences, biostatistics, law and securities regulation. He has also been an attorney for the U.S. Securities and Exchange Commission and a broker-dealer; and a registered securities principal, investment fund manager,

non-profit executive, print/web columnist on science and business issues, and coal company executive. Milloy’s latest book is *Scare Pollution: Why and How to Fix the EPA*. Milloy served on the Trump EPA transition team.

JunkScience.com has garnered numerous awards, including being named a “Top Resource” and one of the “Most Popular” health news Web sites by Yahoo!; “One of the 50 Best Web Sites of 1998” by Popular Science; and a “Hot Pick” by the journal Science. Milloy has testified on risk assessment and Superfund before the U.S. Congress; and has lectured before numerous organizations. He is the author of several books, including *Junk Science Judo: Self-defense Against Health Scares and Scams* (Cato Institute, 2001) and has written more than 500 published commentaries on a variety of business and junk science topics.



**Josiah Neeley** is senior fellow, energy policy director and Southwest region director for the R Street Institute.

He leads the institute’s energy program, which works to advance a well-defined and limited role for government in shaping decisions about infrastructure, wholesale and retail electricity, research and development, fuel choice and diversity, and climate adaptation and mitigation. He also leads the institute’s work on legislation and issues affecting Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Josiah joined R Street in November 2014, having previously served as a policy analyst for the Center for Tenth Amendment Studies and the Armstrong Center for Energy & the Environment at the Texas Public Policy Foundation.

Before his work at TPPF, Josiah was an associate specializing in constitutional litigation with the law firm of Bopp, Coleson & Bostrom in Terre Haute, Indiana. He also clerked for U.S. District Court Judge Roger Vinson in Pensacola, Florida.

Josiah has a bachelor's in government and philosophy from the University of Texas and a law degree from Notre Dame Law School.



**Oren Cass** is a senior fellow at the Manhattan Institute, where he focuses on energy, the environment, and antipoverty policy. He was domestic policy director of Mitt Romney's presidential campaign in 2011–12. In that role, Cass shaped campaign policy and communication on issues from health care to energy to trade. He spoke regularly on behalf of the campaign, including in debates at Harvard University on health care policy and at MIT on energy and environmental policy. Since then, Cass has outlined conservative policy approaches on poverty, climate change, environmental regulation, and international trade. Cass has briefed members of Congress and congressional staff in both the House and Senate and his essays and columns have been published in the Wall Street Journal, New York Times, Washington Post, National Affairs, City Journal, National Review, Investor's Business Daily, and Washington Examiner.

Prior to joining MI, Cass was a management consultant for Bain & Company in the firm's Boston and New Delhi offices, where he advised global companies across a range of industries on implementing growth strategies and performance-improvement programs. He holds a B.A. in political economy from Williams College and a J.D. from Harvard University, where he was an editor and the vice president of volume 125 of the Harvard Law Review.



**Mike McKenna** is the President of MWR Strategies. Prior to this, he worked in senior positions in a variety of opinion research and communications companies.

Mike has an extensive academic and professional background in public opinion research and communications. In addition to his work with MWR Strategies, he has worked with Andres McKenna Research, Vox Populi Communications, and the Luntz Research Companies. He has consulted a wide variety of political and corporate clients with respect to government relations, opinion research, marketing, message development and communications strategies.

Mike has also worked as the Director of Policy and External Affairs for the Virginia Department of Environmental Quality and served as an external relations specialist at both the U.S. Department of Energy and the U.S. Department of Transportation

Mr. McKenna's work has been published in a host of publications including: The Wall Street Journal, The New York Times, The Los Angeles Times, The Chicago Tribune, Investors Business Daily, National Review, Policy Review, Regulation, The Washington Times, The Richmond Times-Dispatch, The Virginian Pilot-Ledger Star, and State Legislatures. His work has also appeared on Fox News, MSNBC, CNN, and C-SPAN.

Mr. McKenna received a B.A. in History from the University of Pennsylvania, as well as a Masters in Public Administration from George Mason University. He has completed work towards a Ph.D. in Public Policy from George Mason University, and is a Fellow in the Institute for Public Policy Studies at the University of Denver. He is currently a Fellow at the Dole Institute at the University of Kansas.



**Todd Blocker** is the Vice President of Member Relations with the Tennessee Electric Cooperative Association or as it better known as "TECA". His responsibilities include coordinating the TECA Youth Leadership Summit, the Washington Youth Tour, 4-H Electric Camp, the Marketing/Member Service/Communications Conference, the Engineering & Operations Conference and the Cooperative Mutual Aid Assistance Program. Mutual aid is defined as when we either assist our in-state members who need assistance to bring the power back on or when we need to send crews out-of-state to do likewise. He also serves on two boards. One as President for the Tennessee Council of Cooperatives who represents 84 Tennessee cooperatives (farm, financial, telephone & electric) throughout the state and the other for NJUNS, the National Joint Utility Notification System.

Todd is a lifelong resident of Columbia TN with his wife Linda of 28+ years along with his two daughters Kelsey, who is a 23 a graduate of MTSU and Katie, who is 17 and a Senior at Columbia Central High. He has worked with the cooperatives for over 20 years and traveled in 40 of the 50 states. Since 1997 he has worked with both with the electric and telecommunication industries along with large and small cooperatives and municipal owned utility systems.

Todd attended Columbia State and Memphis State University where he studied Business Administration. He attends church at the Big-Be-Ville United Methodist Church and enjoys golf (whenever he can), boating on the Tennessee River, listening to music and spending quality time with his family.



**Derrick Morgan** came to AFPM in May 2017 after serving as chief of staff to Senator Ben Sasse of Nebraska. Before his most recent stint on Capitol Hill, he held several positions at the Heritage Foundation, including vice president for the Institute of Economic Freedom and Opportunity, where he managed a research division, and as the chief of staff to the organization's President and Chief Executive Officer, Ed Feulner.

During the Presidency of George W. Bush, he served on Vice President Dick Cheney's senior staff in several capacities, including assistant to the vice president, special counsel, and staff secretary.

Additionally, he also served as a policy analyst and counsel to the U.S. Republican Policy Committee under Senator John Thune, providing analysis to all Republican senators on energy, environment, labor, and agriculture bills, amendments, and policy.

Morgan earned a bachelor's degree at the University of Texas at Dallas and a law degree from Georgetown University. Morgan practiced law at Gibson, Dunn & Crutcher, LLP after clerking at the U.S. Department of Justice and for Judge Sidney A. Fitzwater of the Northern District of Texas.



**Clint Palmer** is a Molecular Biosciences PhD student at Middle Tennessee State University with a research focus on hemp. He testified before the 2014 Tennessee House of Representative Agriculture and Natural Resource subcommittee to educate the legislators on the importance of hemp as an agricultural commodity. The following year in 2015 he conducted the first university hemp varietal trial in the state of Tennessee as an undergraduate in Plant and Soil Sciences at MTSU. He continues to educate lobbyists and legislators on creating new legislation that promotes hemp.

**Task Force Speakers:**



**Heath Knakmuhs** is senior director of policy at the U.S. Chamber of Commerce's Global Energy Institute. Knakmuhs studies, develops, and communicates strategic energy policies and initiatives with a focus on the electric power sector. He also examines the impact of regulatory action, marketbased factors, and emerging threats on the American electric grid. In addition, Knakmuhs leveraged his policy expertise to help develop content and policy recommendations for the Energy Institute's platform, Energy Works for US.

He serves as the Energy Institute's lead on electric generation, transmission, and distribution issues before Congress, regulatory agencies, and other stakeholder groups. Knakmuhs speaks regularly at energy forums, covering topics ranging from electric generation diversity, transmission and distribution infrastructure development, and emerging grid technologies, along with cyber and physical threats to the electric grid. He writes on energy issues, producing blog posts for the Institute, as well as policy and impact content for other Chamber materials. He has been published in Real Clear Energy.

Prior to the Chamber, Knakmuhs headed the Washington, D.C., office of the American Transmission Company. He was the company's primary liaison with members of Congress, senators, and staff on Capitol Hill, and with the Federal Energy Regulatory Commission (FERC). He was also the company's primary representative before other stakeholder and industry groups with a federal presence. Concurrent with this position, Knakmuhs was an officer for WIRES, a trade association advocating for progressive electric transmission policy.

Earlier, Knakmuhs spent eight years in the practice of regulatory and appellate law for the global law firm Morgan Lewis in its Washington, D.C., office. He also spent one year clerking for two administrative law judges at FERC.

Knakmuhs holds a Bachelor of Arts in economics from Northwestern University and a Juris Doctor from Boston University School of Law.



**David C. Weaver** was named vice president, External Affairs for Southern Company Gas (formerly AGL Resources) in September 2012. He is responsible on an enterprise-wide basis for the company's rates and regulatory affairs program, state and local government relations, and for the distribution utilities' strategic planning and budgeting process. The distribution utilities for Southern Company Gas include Atlanta Gas Light, Nicor Gas, Virginia Natural Gas, Elizabethtown Gas, Florida City Gas, Chattanooga Gas, and Elkton Gas.

Weaver joined Southern Company Gas in 2008 as Director, Regulatory Affairs for Georgia and Florida. Prior to his current role, he was elected vice president, Regulatory and Government Affairs in November 2011 and

previously served as managing director, Regulatory Affairs, Marketer Services and Planning. In his regulatory affairs role, Weaver authored several successful accelerated infrastructure construction programs and economic development initiatives including the Georgia SEED tariff, the Georgia STRIDE infrastructure enhancement and economic development program, and Atlanta Gas Light's Compressed Natural Gas Fueling Station program.

Prior to joining Southern Company Gas, Weaver directed government affairs and political services for two Fortune 500 companies. He served as vice president of Public and Government Affairs for Regions Financial Corporation, leading the company's federal and state government affairs operations throughout its 17-state geographic footprint and before Congress. He also served as senior counsel and director of State Government Affairs for El Paso Corporation and SONAT for over 13 years, and was involved in the pipeline company's support for the Georgia Natural Gas Deregulation Act in 1997. Weaver began his career as a staff attorney at the Federal Energy Regulatory Commission as part of the Electric Rates Advisory Staff, where he also interned while attending law school in the Natural Gas Production Act (NGPA) section.



**Bryan Riley** is a full-time advocate for free trade through his research and writing for The Heritage Foundation. He brings years of experience in trade and economic issues to his role as the Jay Van Andel senior analyst in trade policy.

Working in Heritage's Center for International Trade and Economics, Riley contributes to the influential Index of Economic Freedom, which the think tank publishes annually in partnership with The Wall Street Journal. The 2011 edition measured 183 countries across 10 specific factors of economic freedom: The higher the score, the lower the level of government

interference.

Canada retained its top ranking for economic freedom among North American nations measured in 2010, moving up one slot in the world rankings to sixth. The United States continued to lose ground with a ninth-place finish. The U.S. score of 77.8 was down 0.2 points—largely the result of big government spending increases and passage of a restrictive health care law. In the 2010 Index, the United States dropped from the ranks of economically “free” nations into the “mostly free” category.

Riley's background includes management of grassroots campaigns in support of trade pacts such as the North American Free Trade Agreement, popularly known as NAFTA. When minivans became popular in the 1990s, for example, he helped defeat efforts to reclassify them as “cargo vehicles” instead of “passenger vehicles.” The “cargo” label would have subjected minivans and SUVs to an import tax of 25 percent.

Riley, who joined Heritage in 2010, especially enjoys serving as a myth-buster who counters inaccurate, misleading misinformation that hoodwinks the public and undermines free trade.



He grew up in Manhattan, Kansas. He holds a bachelor's degree in economics from Kansas State University and a master's degree in economics from the University of Southern California. He currently resides in Washington, D.C., returning to the nation's capital after several years in Kansas.



**Jason Funes** works for the Department of the Interior in Secretary Ryan Zinke's Office of Intergovernmental and External Affairs. As a first generation American from a family of ranchers in Central America, Jason appreciates the value of hard work, freedom from tyranny, the American Constitution, and free market capitalism.

During the 2016 Presidential Primary, he volunteered for the Donald J. Trump for President campaign and worked for the RNC. He was later hired by the Trump campaign to drive an R.V in South Florida and to work election day operations in Miami, FL. Born in New York and moving to Washington D.C. from Sarasota, FL, Jason is dedicated to empowering rural America, achieving American energy dominance, being better stewards of our public lands, and Making America Great Again.



**Henry Turner Bridgforth** is the Deputy Director of External and Intergovernmental Affairs, building strategic relationships and working with federal and state partners, as well as trade associations and stakeholders. Previously, Turner was previously appointed as the Deputy White House Liaison for USDA. Before serving in the Trump Administration, Turner worked on the Presidential Transition Team as a Special Assistant and worked for the Republican National Committee. Turner is a graduate of Mississippi State University, studying political science and economics.

Turner resides in Washington D.C., but will always consider the South home.



**Bartlett Cleland** is a descendant of the family of Sir William Wallace (“Braveheart”), and thus it should come to no surprise that he is a passionate defender of and fighter for freedom and liberty. Understanding that he is a relentless tinkerer helps a person understand why he is enamored with innovation, and why he was chosen to lead the ALEC innovation initiatives.

A known thought leader, writer and speaker on all issues of communications, technology and innovation, he has spent his entire public policy career in the technology and innovation space. A research fellow with the Institute for Policy Innovation, Bartlett also serves on the Internet Education Foundation Board of Directors.

Growing up simply and living most of his life outside of the Washington bubble, he understands the effect of government on people and the advantages of freedom and liberty. Prior to joining ALEC, he spent many years in the world of public policy think tanks, technology trade associations, social welfare organizations and on Capitol Hill.

He served as Senator John Ashcroft’s technology counsel from 1996 to 1998, and from 1998 to 2000, he worked for Americans for Tax Reform as technology and policy counsel, and advised Commissioner Grover G. Norquist on the Advisory Committee on Electronic Commerce. He was one of the primary U.S. Senate staff driving the Digital Millennium Copyright Act (a comprehensive update to the copyright laws), the Internet Tax Freedom Act, as well as encryption and “supercomputer” export controls. He worked on all legislation before the Senate Judiciary Committee regarding copyright during his Hill tenure. Later he represented the software industry handling a variety of copyright issues including open source and proprietary challenges, and a variety of tax and finance issues particular to the software industry. In addition, he served as the tax counsel for the Information Technology Association of America and TechAmerica, as well as the Regional VP of Texas.

Bartlett graduated from Millikin University with a B.S. in philosophy and business administration. He received his Masters of Business Administration, as well as his law degree with a specialization in international and comparative law, from St. Louis University. He is admitted to the Missouri bar.

Bartlett’s decades of work in public policy have been informed by his broad array of work and education outside of traditional public policy channels. Whether relying on his business background of MBA, work at a human resources consulting firm or as a CEO, he seeks to make every policy debate relevant to what happens to real people and to real business.

December 7, 2017

Dear State Lawmaker:

The Energy, Environment and Agriculture Task Force will consider making the ***Critical Infrastructure Protection Act*** an official ALEC model policy at the 2017 States & Nation Policy Summit. We would appreciate your support of this proposal.

In recent years there has been a growing and disturbing trend of individuals and organizations attempting to disrupt the operation of critical infrastructure in the energy, manufacturing, telecommunications, and transportation industries. Energy infrastructure is often targeted by environmental activists to raise awareness of climate change and other perceived environmental challenges. These activities, however, expose individuals, communities, and the environment to unacceptable levels of risk and can cause millions of dollars in damage.

Recent examples of targeted critical infrastructure include:

- Two attempted bombings of natural gas pipelines in Oklahoma<sup>i</sup> and Texas<sup>ii</sup> in 2011 and 2012, respectively;
- Gunmen opened fire on an electrical substation near San Jose, California, in 2013 that severely damaged 17 transformers and caused over \$15 million in damages. Prior to the attack, fiber-optic telecommunications cables were cut by the culprits, which knocked some local 911 services offline;<sup>iii</sup>
- Roughly a dozen activists in October 2016 used bolt cutters to simultaneously shut off valves attached to five pipelines in four states along the U.S.-Canadian border, affecting a network that moves roughly 15 percent of the oil consumed in the U.S.;<sup>iv</sup>
- A variety of “coordinated physical attacks” along the Dakota Access Pipeline were conducted that included at least two cases of vandals damaging the pipeline using blow torches in South Dakota and Iowa in March 2017;<sup>v</sup> and
- Vandals fired guns into, and set fire to a Montana wastewater treatment plant in October 2017, causing over \$1 million in damage.<sup>vi</sup>

As the private sector continues to expand and maintain the infrastructure necessary to safely and reliably deliver energy and other services to hundreds of millions of Americans, policymakers should continue to consider how they can help discourage acts of sabotage. At the federal level, a bipartisan group of 84 members of Congress recently sent a letter to U.S. Attorney General Jeff Sessions asking if existing federal law sufficiently enabled the Department of Justice to prosecute criminal activity against energy infrastructure.

States can and should play a role as well. Earlier this year, the State of Oklahoma enacted two new laws designed to hold individuals and conspiring organizations criminally and civilly liable for trespassing or tampering with critical infrastructure. These two laws serve as inspiration for the ***Critical Infrastructure Protection Act***.

This proposal codifies criminal penalties for any individual convicted of willfully trespassing or entering property containing a critical infrastructure facility without permission from the owner of the property. Individuals would also be held liable for any damage to personal or real property committed while trespassing. Finally, it will also hold organizations both criminally and vicariously liable for conspiring with individuals who willfully trespass or damage critical infrastructure sites.

This model policy would help safeguard our nation's critical infrastructure, while also holding individuals and organizations accountable for tampering with, and disrupting operations.

We look forward to working with you as you continue to address this growing problem in your state.

Thank you for your consideration.

Sincerely,

American Chemistry Council  
American Fuel & Petrochemical Manufacturers  
American Gas Association  
Edison Electric Institute  
Energy Policy Network  
Marathon Petroleum Corporation

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<sup>i</sup> "Crude bomb left on Oklahoma gas line, FBI says," *CNN*, August 10, 2011, <http://www.cnn.com/2011/CRIME/08/10/oklahoma.pipe.bomb/index.html>.

<sup>ii</sup> "FBI Detonates Explosives Found In Plano Home," *KXAS-TV (NBC Dallas/Fort Worth)*, June 20, 2012, <https://www.nbcdfw.com/news/local/FBI-Denonate-Explosives-Found-in-Plano-Home-159555935.html>.

<sup>iii</sup> "'Military-Style' Raid on California Power Station Spooks U.S.," *Foreign Policy*, December 27, 2013, <http://foreignpolicy.com/2013/12/27/military-style-raid-on-california-power-station-spooks-u-s/>.

<sup>iv</sup> "Activists disrupt key Canada-U.S. oil pipelines," *Reuters*, October 11, 2016, <https://www.reuters.com/article/us-usa-canada-pipelines/activists-disrupt-key-canada-u-s-oil-pipelines-idUSKCN12B26O>.

<sup>v</sup> "Dakota Access Pipeline vandalized before it comes online," *CNN*, March 21, 2017, <http://www.cnn.com/2017/03/21/us/dakota-access-pipeline-vandalism/index.html>.

<sup>vi</sup> "Tribe delivers bottled water to Crow Agency after treatment facility was vandalized," *Billings Gazette*, October 5, 2017, [http://billingsgazette.com/news/state-and-regional/montana/tribe-delivers-bottled-water-to-crow-agency-after-treatment-facility/article\\_1833b0e3-f89e-57f0-901b-fa0d0172d076.html](http://billingsgazette.com/news/state-and-regional/montana/tribe-delivers-bottled-water-to-crow-agency-after-treatment-facility/article_1833b0e3-f89e-57f0-901b-fa0d0172d076.html).

## Critical Infrastructure Protection Act

### **Summary**

Drawing inspiration from two laws enacted in 2017 by the State of Oklahoma,<sup>1</sup> this Act codifies criminal penalties for a person convicted of willfully trespassing or entering property containing a critical infrastructure facility without permission by the owner of the property, and holds a person liable for any damages to personal or real property while trespassing. The Act also prescribes criminal penalties for organizations conspiring with persons who willfully trespass and/or damage critical infrastructure sites, and holds conspiring organizations responsible for any damages to personal or real property while trespassing.

### **Model Policy**

#### **Section 1. {Definitions.}**

For purposes of this Act:

A. "Critical infrastructure facility" means:

1. One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization:
  - a. A petroleum or alumina refinery,
  - b. An electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure,
  - c. A chemical, polymer or rubber manufacturing facility,
  - d. A water intake structure, water treatment facility, wastewater treatment plant or pump station,
  - e. A natural gas compressor station,
  - f. A liquid natural gas terminal or storage facility,
  - g. A telecommunications central switching office,
  - h. Wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines,
  - i. A port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility,
  - j. A gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas or natural gas liquids,
  - k. A transmission facility used by a federally licensed radio or television station,
  - l. A steelmaking facility that uses an electric arc furnace to make steel,
  - m. A facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program,
  - n. A dam that is regulated by the state or federal government,

- o. A natural gas distribution utility facility including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regular station and a natural gas storage facility, or
  - p. A crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility; or
2. Any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or other storage facility that is enclosed by a fence, other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

### Section 2. {Criminal Penalties.}

- A. Any person who shall willfully trespass or enter property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than **{dollar figure}**, or by imprisonment in the county jail for a term of **{length of time}**, or by both such fine and imprisonment. If it is determined the intent of the trespasser is to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility, the person shall, upon conviction, be guilty of a felony punishable by a fine of not less than **{dollar figure}**, or by imprisonment in the custody of the **{Department of Corrections [or substitute the appropriate State equivalent thereof]}** for a term of **{length of time}**, or by both such fine and imprisonment.
- B. Any person who shall willfully damage, destroy, vandalize, deface or tamper with equipment in a critical infrastructure facility shall, upon conviction, be guilty of a felony punishable by a fine of **{dollar figure}**, or by imprisonment in the custody of the **{Department of Corrections [or substitute the appropriate State equivalent thereof]}** for a term or not more than **{length of time}**, or by both such fine and imprisonment.
- C. If any organization is found to be a conspirator with persons who are found to have committed any of the crimes described in subsection A or B of this section, the conspiring organization shall be punished by a fine that is **{number}** times the amount of said fine authorized by the appropriate provision of this section.

### Section 3. {Civil Penalties.}

- A. Any person who is arrested for or convicted of trespass may be held liable for any damages to personal or real property while trespassing.
- B. Any person or entity that compensates, provides consideration to or remunerates a person for trespassing as described in subsection A of this section may also be held vicariously liable for any damages to personal or real property committed by the person compensated or remunerated for trespassing.

**Resolution Calling for EPA Review of the 2009 Endangerment Finding for Greenhouse Gases  
Amended Version - 11.16.17**

**WHEREAS**, in 2009 the Environmental Protection Agency issued a flawed finding under the Clean Air Act that greenhouse gas emissions from motor vehicles threaten public health and welfare, known as the endangerment finding,

**WHEREAS**, the 2009 endangerment finding relied on three lines of evidence: (1) basic physical understanding of the effects of changing concentrations of greenhouse gases; (2) indirect, historical estimates of past climate that suggest recent temperature changes are unusual; and (3) computer-based climate models which project future climate changes,

**WHEREAS**, since the 2009 endangerment finding, observed evidence and research has cast serious doubt on all three lines of evidence,

**WHEREAS**, estimates of climate sensitivity to increased concentrations of greenhouse gases appearing in the scientific literature since 2009 have fallen steadily below the estimates used by EPA, which contradicts the first line of evidence,

**WHEREAS**, research has shown that recent changes in temperatures, sea level rise, and the frequency of extreme weather events are not unusual in the historic and geophysical record, which contradicts the second line of evidence,

**WHEREAS**, the climate models relied upon by the EPA have forecast twice as much warming as has been reported by satellite, balloon, and even unadjusted surface monitors, which contradicts the third line of evidence,

**WHEREAS**, the 2009 endangerment finding has been used as the basis for subsequent efforts to regulate carbon dioxide and other greenhouse gases,

**WHEREAS**, President Donald Trump and members of his administration have consistently stated that regulation of carbon dioxide under the Clean Air Act is unnecessary, ineffective and economically destructive,

**WHEREAS**, so long as the endangerment finding remains in place, efforts to roll back unnecessary environmental regulations adopted in the name of fighting global warming will likely fail,

**THEREFORE, BE IT RESOLVED**, the legislature of the State of \_\_\_\_\_ calls upon the Environmental Protection Agency to reopen and review the 2009 endangerment finding for carbon dioxide and other greenhouse gases.

## Sunsetting Model Policy for Consideration

### RESOLUTION URGING QUICK CONGRESSIONAL ACTION ON THE RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION ON AMERICA'S NUCLEAR FUTURE

**Whereas**, nuclear utility ratepayers throughout the United States have contributed more than \$30 billion in fees and interest, as required under the Nuclear Waste Policy Act (NWPA) of 1982, for the sole purpose of removing used nuclear fuel from commercial reactor sites and defense-related high-level radioactive waste from Department of Defense facilities, and

**Whereas**, the federal government failed to satisfy the statutory requirements of the NWPA to begin accepting used fuel for disposal starting in 1998 and, indeed, has continued to fail to meet the terms of its contracts with U.S. nuclear plant operators, and

**Whereas**, the 104 operating U.S. commercial reactors have accumulated some 77,000 metric tons of used nuclear fuel, and

**Whereas**, the Obama Administration has terminated and Congress has ceased funding of all activities related to the license review or further development of a permanent central disposal repository at the Yucca Mountain site in Nevada, which has been the federal government's only intended destination for used fuel and defense-related waste, and

**Whereas**, the States of South Carolina and Washington, various communities and other parties remain involved in lawsuits attempting to compel the federal government to meet its obligations under the NWPA, and

**Whereas**, the President in January, 2010, appointed a Blue Ribbon Commission on America's Nuclear Future comprised of distinguished American scientists and nuclear policymakers to review various alternative options and make recommendations for future safe management of U.S. commercial used nuclear fuel and defense waste, and

**Whereas**, The Blue Ribbon Commission has recommended an integrated nuclear fuel management program incorporating: 1) Development of one or more Nuclear Regulatory Commission-licensed private or government-owned centralized interim storage facilities in communities in states that would willingly host such facilities; 2) Continued public and private sector research, development and deployment of used fuel and nuclear waste recycling technologies to close the nuclear fuel cycle in a safe, environmentally responsible, proliferation-resistant and economically viable process; and 3) Assured access by the nuclear waste program to revenues generated by consumers' continued payments and to existing balances in the Nuclear Waste Fund: and

**Whereas**, These recommendations from the Blue Ribbon Commission align closely with long-standing policy adopted and endorsed by the American Legislative Exchange Council,

#### **Resolved**

Now therefore let it be Resolved that the Federal Administration and the U.S. Congress should:



1. Adopt legislation enabling the construction of one or more centralized interim fuel storage facilities through directives to the U.S. Department of Energy and through incentives to interested communities funded through access to the accumulated Nuclear Waste Fund.
2. Recognize there are willing host communities and states that are ready to voluntarily accept used fuel and defense waste shipments.
3. Assure access by the Nuclear Waste Management program to the revenues generated by consumers' continuing fee payments and to the significant balance in the Nuclear Waste Fund.
4. Enable one or more NRC-licensed private interim storage facilities to meet this long-ignored public policy need.

*Approved by the ALEC Board of Directors on July 2012.*

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**RESOLUTION ON U.S. CONFERENCE OF MAYORS CLIMATE PROTECTION AGREEMENT ACCOUNTABILITY**

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**Whereas**, in 2005, the United States Conference of Mayors Climate Protection Agreement was created to encourage cities to reduce carbon emissions.

**Whereas**, the announcement of the Agreement says “supporting mayors pledge to reduce carbon dioxide emissions by 7 percent below 1990 levels by 2012” the levels included in the Kyoto Protocol.

**Whereas**, emissions in the United States were 7 percent higher in 2009 than 1990.

**Whereas**, only nine states achieved the carbon reductions called for in the Kyoto Protocol.

**Whereas**, major cities, including Seattle which initiated the Climate Protection Agreement, have failed to meet the Kyoto targets.

**Whereas**, more than 1,000 cities across the country signed the agreement.

**Whereas**, the Agreement calls upon cities to “Inventory global warming emissions in City operations and in the community.

**Whereas**, the Agreement says the cities’ ability to meet the targets will indicate that the United States should commit itself to significant carbon emissions reductions.

**Be it resolved** that the cities within the state of \_\_\_\_\_ which are signatories to the US Conference of Mayors Climate Protection Agreement:

1. Provide evidence by the end of 2012 whether they have achieved the goals outlined in the Agreement, or if they failed to do so.
2. Report the results to the US Conference of Mayors for compilation in a final assessment of the results of the Agreement.
3. Cities that have failed to achieve the target will remove themselves as signatories to the Climate Protection Agreement.

*Approved by the ALEC Board of Directors on July 2012.*

## Auxiliary Container Act

**Summary:** AN ACT to preempt local ordinances regulating the use, disposition, or sale of, prohibiting or restricting, or imposing any fee, charge, or tax on certain containers.

**Sec. 1.** As used in this act:

(a) "Auxiliary container" means a bag, cup, bottle, or other packaging, whether reusable or single-use, that meets both of the following requirements:

(i) Is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates.

(ii) Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or retail facility.

(b) "Local unit of government" means a county, township, city, or village.

**Sec. 2.** Subject to section 3, a local unit of government shall not adopt or enforce an ordinance that does any of the following:

(a) Regulates the use, disposition, or sale of auxiliary containers.

(b) Prohibits or restricts auxiliary containers.

(c) Imposes a fee, charge, or tax on auxiliary containers.

**Sec. 3.** (1) Section 2 shall not be construed to prohibit or restrict any of the following:

(a) A curbside recycling program.

(b) A designated residential or commercial recycling location.

(c) A commercial recycling program.

(2) Section 2 does not apply to any of the following:

(a) An ordinance that prohibits littering, as described in section 8902 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8902.

(b) The use of auxiliary containers on property owned by a local unit of government.

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**Section 4. {Severability Clause.}**

**Section 5. {Repealer Clause.}**

**Section 6. {Effective Date.}**

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<sup>1</sup> House Bills 1123 and House Bills 2128, signed into law on May 3, 2017 and May 15, 2017, respectively.

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