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Essential Policy Solutions for 2023

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Essential Policy Solutions for 2023 was published by the American Legislative Exchange Council (ALEC) as part of its mission to increase individual liberty, prosperity, and the well-being of all Americans by advancing and promoting the principles of limited government, free markets, and federalism.

ALEC is the nation's largest nonpartisan, voluntary membership organization of state legislators, with more than 2,000 members across the nation. ALEC is governed by a <u>Board of Directors</u> of state legislators and is classified by the Internal Revenue Service as a 501(c)(3) nonprofit, public policy and educational organization. Individuals, philanthropic foundations, businesses and associations are eligible to support the work of ALEC through tax-deductible gifts.

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Acknowledgements and Disclaimers

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American Legislative Exchange Council

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2023 Essential Policy Solutions

FIFTY YEARS - FIFTY STATES

50 YEARS OF TRUSTED ALEC POLICY SOLUTIONS

This year, the American Legislative Exchange Council celebrates 50 years of trusted policy solutions. Since 1973, ALEC has been at the forefront of producing and exchanging ideas and will continue to provide principled solutions that benefit all Americans.

For 2023, our policy team has analyzed the best free market ideas to add to the important discussions taking place across the states and at the federal level in Washington.

As you review these key policy solutions, please do not hesitate to reach out to our team. We look forward to hearing from you as we continue to build our free market collection of policy solutions from the 50 "laboratories

of democracy."

Please let us know whenever ALEC can be helpful to you.

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AMERICAN LEGISLATIVE EXCHANGE COUNCIL

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- CENTER FOR INNOVATION AND TECHNOLOGY
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- S CIVIL JUSTICE
- COMMERCE, INSURANCE AND ECONOMIC DEVELOPMENT
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- ENERGY, ENVIRONMENT AND AGRICULTURE
- FEDERALISM AND INTERNATIONAL RELATIONS
- HEALTH AND HUMAN SERVICES
- 🥹 HOMELAND SECURITY
- TAX AND FISCAL POLICY



ECONOMIC COMPETITIVENESS

SOUND PENSION REFORM

Keeping Politics Out of Pensions

Politically based investing, such as Environmental, Social and Governance (ESG) investing, poses a serious threat to the health of state pension plans. Progressive initiatives seek to divest state pension funds from companies deemed noncompliant with ESG values. These politically motivated divestments – often from financially prosperous companies – threaten to grow unfunded pension liabilities. Investment strategies should be designed to keep politics out of pensions to ensure financial stability.

MODEL POLICY

State Government Employee Retirement Protection Act

PUBLICATION

• Keeping the Promise: Getting Politics Out of Pensions

Keeping the Promise

Unfunded state pension liabilities are growing rapidly, now totaling \$8.28 trillion or just under \$25,000 for every man, woman and child in the United States. Clearly pension plans are in serious need of reform. Several states have taken steps to switch from the broken defined-benefit plans to defined-contribution plans, but many are still in need of reforms. Until they do, plans will continue to under-perform as unfunded liabilities grow and these states will struggle to keep the promise made to plan beneficiaries without soaking the taxpayer in the process.

PUBLICATION

<u>Unaccountable and Unaffordable, 6th Edition</u>

RESPONSIBLE BUDGETING

State Budget Reform

As many states find themselves with major budget surpluses after federal funds flowed during the pandemic, the <u>ALEC State Budget Reform Toolkit</u> is a great resource. The toolkit outlines 23 proven policy solutions for states to improve their budget process, while avoiding wasteful spending and economically damaging tax increases.

One way to stabilize budgets over time is to embrace <u>Tax and Expenditure Limitations</u> (TELs). The most effective TELs, like Colorado's Taxpayers Bill of Rights (TABOR), require voter approval to raise taxes or issue debt. Policy reforms like TABOR give hardworking taxpayers more protection and ensure that state budget growth is stabilized at a reasonable level. ALEC's new <u>Fiscal Rules microsite</u> and <u>animated video</u> explore how a hypothetical TABOR could help control state spending and taxes.

MODEL POLICY

<u>Tax and Expenditure Limitation Act</u>

PUBLICATION

State Budget Reform Toolkit

Putting America's Fiscal House in Order

America's strength domestically directly impacts our ability to meet global challenges and to be useful to our friends around the world, so putting our nation's house in order is crucial to our success here and abroad. Inflation exacerbated by federal overspending is striking a serious blow to US households that are just beginning to recover from the economic hardship created by the COVID pandemic response. This fiscal reality underscores the need to address the federal government's unsustainable spending habit and to begin chipping away at the national debt which recently topped \$31 trillion. Congress has consistently demonstrated that it is unable to police itself, leaving it to the states to restore fiscal sanity to the nation.

MODEL POLICY

• Act to Ensure US Amendments Ratified by Article V State Conventions Are a Vote of <u>"We the People"</u>

PUBLICATION

• Article V Application for a Federal Fiscal Responsibility Amendments Convention to Curb Runaway Inflation and Restore Fiscal Sanity



PRO-GROWTH TAX POLICY

Reforming State Tax Codes

A tax system that allows citizens to keep more of what they earn spurs increased work, saving and investment. This is evident across 15 editions of our annual report <u>Rich States, Poor States: ALEC-Laffer</u> <u>State Economic Competitiveness Index</u>, which reveals the economic benefits associated with states that keep tax burdens and spending at prudent levels. All taxes matter for economic growth, but taxes on capital, including business and individual income taxes, have the largest negative impact on economic outlook and growth.

A flat tax helps to stabilize income tax volatility and ween states off over-dependency on income tax. Last year was a historic year for state tax reform, with five states joining the <u>2022 State Flat Tax</u> <u>Revolution</u>: Iowa, Georgia, Mississippi, Idaho, and Arizona.

MODEL POLICY

ALEC Principles of Taxation

PUBLICATION

<u>Rich States, Poor States: ALEC-Laffer State Economic Competitiveness Index</u>

Federal Tax Reform

Following in the footsteps of <u>Arizona</u> and <u>Michigan</u>, states leaders should continue to call on Congress to <u>make permanent the federal 2017 Tax Cuts and Jobs Act</u>, which supercharged the American economy. Absent congressional action, 23 provisions of the 2017 tax cuts directly relating to individual income taxes, such as the reductions in personal income tax rates, the near doubling of the standard deduction, and the substantial reduction of the hated Alternative Minimum Tax (AMT) will expire after December 31, 2025.

MODEL POLICY

Resolution Urging Congress to Permanently Extend the Tax Cuts and Jobs Act of 2017

Avoiding Discriminatory Taxes

Imposing discriminatory taxes can negatively affect state economies and lead to unintended consequences. <u>The ALEC Principles of Taxation are clear</u>: "The government should not use the tax system to pick winners and losers in society, or unfairly shift the tax burden onto one class of citizens. The tax system should not... engage in discriminatory or multiple taxation, nor should it be used to bestow special favors on any particular group of taxpayers."

Property Tax Reform

Truth-in-Taxation is Utah's most taxpayer-friendly property tax law. This law and the ALEC model policy, <u>Truth in Taxation Act</u>, aim to reduce the growth of property taxes through transparency and accountability. The measure was enacted in Utah in 1985 to provide a solution to taxpayer unrest from ever increasing assessments and property taxes. While Truth-in-Taxation does not technically limit property taxes, it makes local elected officials think twice about increasing property taxes because they know all citizens will be notified of the increase and its potential impact on their property. They also know that they will have to hold a broadly advertised public hearing and recorded vote, where citizens can communicate their concerns about a proposed tax and spending increase.

After passing in the Kansas House and Senate by overwhelming bipartisan margins, Governor Laura Kelly signed into law the Truth-in-Taxation property tax reform in March 2021, which is based on <u>ALEC</u> <u>model policy</u> and the <u>successes of Utah</u> and Tennessee. Nebraska also passed their own version of Truth-in-Taxation in 2021.

MODEL POLICY

Truth in Taxation Act

MAINTAINING ENERGY RELIABILITY AND AFFORDABILITY

While global instability upended energy prices throughout the world last year, 2023 is a chance for state governments to make sensible, market-based decisions concerning the costs and reliability of the fuels and infrastructure that power our nation. Reliability and affordability are two of the most important drivers of our economic system.

There is an increasing trend of shuttering traditional power plants before new generation sources are online and ready to operate that must be reversed. By closing power plants before their replacements are ready, Americans are at increased risk for rolling blackouts, especially during critical periods such as height of summer and dead of winter.

However, energy costs have a much larger impact on society than the utility bills paid at the end of the month. Energy costs are inextricably linked to agricultural production and modern transportation. From the cost of fertilizer, which is primarily a product of natural gas, or the cost of freight shipment, which is primarily powered by diesel, almost every aspect of every product used in our day-to-day lives is impacted by the price of energy.

MODEL POLICY

- Resolution Supporting Reliable and Affordable Energy
- Electric Generation Facility Closures and Reliability Act
- Affordable, Reliable, and Resilient Electricity Act

PUBLICATION

Energy Affordability Report, 2nd Edition



WORKER FREEDOM

Flexibility is now king in the job market as <u>Americans continue to select jobs</u> that offer flexible options. States can get onboard by reducing regulations that limit work options and hinder economic development. Lawmakers should ensure government does not get in the way of Americans seeking work options that are best for them and their families. That includes opening state economies and communities to talented, experienced workers by recognizing comparable, out-of-state occupational licenses and qualifications. It also means protecting workers' right to choose a work model that works for them and their unique needs, as well as giving public sector workers more say about union representation by requiring union recertification.

MODEL POLICY

- Model Interstate-Mobility and Universal-Recognition Occupational Licensing Act
- Uniform Worker Classification Act
- Union Recertification Act

REGULATORY REFORM

Holding executive branch departments and agencies accountable has proven to be an important issue to legislators and their constituents throughout the states, particularly throughout the pandemic. By implementing accountability measures and review processes to scrutinize new and existing rules and regulations, states can use proposed regulations as opportunities to take a look at the old as well. Setting regulatory caps and deregulation requirements can aid states in streamlining government.

- An Act to Establish a Cap on Government Red Tape
- Universal Regulatory Sandbox Act
- Targeted Legislative Review Act
- Accountability in Rule Making Act
- Democratic Accountability in Board Appointments Act
- Emergency Power Limitation Act

LAWSUIT REFORM

ALEC remains a consistent long-term leader on lawsuit and tort reform issues in the states. Primarily focused on the issues of exorbitant civil litigation payout amounts, otherwise known as "nuclear verdicts," ALEC aims to educate further on the root causes and solutions to these issues throughout the states in 2023.

- Overtime Exceptions and Class Actions Prohibition Act
- Anchors Away Act
- Liability Protection for Employers in a Declared Disaster or Public Emergency Act
- <u>Transparency in Lawsuits Protection Act</u>
- Prejudgment and Post-Judgment Interest Act
- <u>The Phantom Damages Elimination Act</u>

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BUILDING BETTER COMMUNITIES

VIOLENT CRIME REDUCTION

The country has experienced a surge in violent crime since the start of the COVID-19 pandemic. To protect our communities, targeting and reducing violent crime in a safe, effective and responsible ways is critical for the states in 2023.

MODEL POLICY

- <u>Resolution In Support of Effective Strategies to Support Law Enforcement and Reduce</u> <u>Violent Crime</u>
- <u>Resolution In Support of Enhancing Police Officer Training, Wellness, and Support</u> <u>Mechanisms</u>
- Statement of Principles on Policing and Community Engagement

MENTAL HEALTH AND HOMELESSNESS

Many individuals with mental illness are homeless or arrested and imprisoned for minor offenses. State and local leaders should pursue alternatives approaches, such as <u>the sequential intercept model</u> for identifying and diverting such individuals in appropriate cases, for the betterment of all actors in our criminal justice systems.

MODEL POLICY

Resolution on Mental Health and Criminal Justice

HOUSING AND LAND USE

Home ownership continues to be the <u>greatest source of wealth</u> for American families, but America is <u>millions</u> of homes short of meeting housing needs and demands. States can help address this problem by introducing reforms like these that encourage housing development of all kinds.

- Housing Affordability Impact Statement Act
- Rent Control Preemption Act
- Factory-Built Housing Act

SCHOOL SECURITY

The safety and education of our children is of paramount importance, yet violence in our schools is increasing. Lawmakers should learn from tragedies like the Uvalde school shooting to determine how best to protect America's precious and vulnerable children.

MODEL POLICY

Statement of Principles on School Safety and Security

ENABLING INNOVATION IN EMERGING TECHNOLOGIES

The United States is on the cusp of another leap in technology innovation as promising emerging technologies inch closer to mainstream adoption, such as artificial intelligence, automation, advanced manufacturing, blockchain technologies, autonomous vehicles, virtual and augmented reality, and more. These groundbreaking technologies often disrupt the existing market, while legacy statutes and regulations can inhibit or prohibit the development and testing of such technologies.

States are uniquely positioned to welcome emerging technology innovators and embrace the next wave of economic growth in their jurisdictions.

MODEL POLICY

 <u>Resolution Supporting Innovative Technologies to Strengthen States and Local</u> <u>Communities by Enabling Statewide Use of Distributed Ledger Technology</u>

BORDER SECURITY

A nation must be able to control the flow of people into its territory and as we have witnessed, our current insecure southern border has facilitated human trafficking, drug smuggling, and criminal activity, so border security will continue to be an issue for the foreseeable future. However, the current fentanyl epidemic that is devastating communities across America is fueled by illicit drugs entering the US largely through international mail and legal crossing points. Remedies for this challenge must be developed as well.



PROTECTING INDIVIDUAL LIBERTY

CAMPUS SPEECH

ALEC's Education and Workforce Development Task Force, in collaboration with the Center to Protect Free Speech, passed a new model policy at the 2022 States and Nation Policy Summit titled the Free Speech in Higher Education Act. The model was designed as a follow-up to the successful Forming Open and Robust University Minds (FORUM) Act, which became an ALEC model policy five years ago and has now been implemented in over 20 different states.

The Free Speech in Higher Education Act addresses specific concerns around student-on-student harassment that results in free speech violations (i.e. a student shouting down a classmate, thus preventing the classmate from being heard). It also bans the use of "bias response teams," which universities have regularly used to intimidate students into silence under the threat of investigation.

MODEL POLICY

- The Free Speech in Higher Education Act
- Forming Open and Robust University Minds Act

ONLINE SPEECH

For decades, the internet has traditionally served as a great equalizer of free speech and a bastion of First Amendment values. Thanks to broadly supported policies enacted in the early days of the internet to minimize government regulation, the United States remains the undisputed global leader in the technology sector to this day.

However, recent reporting unveiled efforts by the Biden Administration to pressure social media platforms to remove online speech they disagree with or classify as misinformation, disinformation, or malinformation. In 2022, the Administration was rightly criticized for its plan to create a Disinformation Governance Board housed within the U.S. Department of Homeland Security, but further documents and reporting revealed the underlying work of this body continues.

Congress must address these repeated government efforts to curate online speech by investigating the full extent to which the Biden Administration pressured platforms to restrict or limit information online.

MODEL POLICY

- <u>Resolution in Support of Congressional Law to Combat Government Pressuring of Social</u> <u>Media Platforms to Remove Speech</u>
- <u>Resolution Investigating Biden White House Pressuring of Social Media Platforms to</u> <u>Remove COVID Information</u>
- Statement of Principles on Online Free Speech

DATA PRIVACY

2023 is expected to be a pivotal year for technology policy and data privacy—especially online privacy and safety for children—will once again be top of mind. To date, five states have enacted comprehensive data privacy laws: California, Colorado, Connecticut, Utah, and Virginia.

ALEC maintains that a unified federal standard on consumer privacy is preferable to a 50-state patchwork. However, absent a federal solution, many states are expected to advance their own comprehensive privacy bills. When crafting privacy legislation, lawmakers must strike a balance on the issues of consumer protection and child safety without hampering innovation and unduly burdening interstate commerce pursuant to Article I of the U.S. Constitution.

MODEL POLICY

- Resolution for a Single Federal Standard for Consumer Privacy
- Principles on Online Privacy
- <u>The Privacy Protection Act</u>
- Employee Online Privacy Act

JUDICIAL REFORM

Maintaining the structure and integrity of the judiciary throughout the states is of it most importance. Tailoring ways which the states' judiciary can deliver justice in more fair and accountable ways is of critical importance for almost any policy issue.

- Independent Administrative Law Judges Act
- Judicial Deference Reform Act



INFRASTRUCTURE

CYBERSECURITY

Bad actors, global and domestic, will continue to attack networks for any number of purposes. State networks are still vulnerable and need to improve their cybersecurity infrastructure as recent crippling cyber-attacks demonstrate.

The energy sector's interdependencies between physical and cyber infrastructure leaves the industry uniquely vulnerable to state-sponsored threats and sophisticated criminals. Although high-level threats are dealt with on the federal level, state and local governments must be prepared to deal with the initial first response to emergencies and disruptions.

MODEL POLICY

Statement of Principles for Cybersecurity

BROADBAND DEPLOYMENT AND ACCESS

In recent years, the federal government has appropriated over \$40 billion to close "digital divide" and make high-speed broadband internet available to all Americans. With taxpayer dollars on the line and dozens of federal and state agencies involved, there is a risk that funds could be wasted on duplicative projects in areas that already enjoy broadband services or problematic government-owned networks with a long track record of failure in the U.S.

Federal agencies should work in tandem with states and localities to ensure broadband dollars are spent wisely. Such broadband projects must be rooted in free market principles that have been proven to improve access in unserved or underserved communities, particularly in rural areas.

State lawmakers should work closely with their broadband program administrators, NTIA, and FCC officials to solve this problem in an all-of-the-above, technology-neutral fashion, including novel solutions such as fixed wireless and low-Earth orbit satellites where traditional fiber is less viable.

- <u>A Resolution on Network Neutrality</u>
- Principles on Municipal / Government Owned Networks
- Resolution Supporting Pro Consumer Public Policy for Voice, Video, and Data Services

PROTECTING CRITICAL INFRASTRUCTURE

As one of the cornerstones of modern society, power infrastructure plays a critical role in delivering electricity to the vast majority of Americans. However, significant parts of this infrastructure, particularly electrical substations, <u>are vulnerable to unsophisticated attacks</u> that can easily be carried out by a single person.

Although electrical operators are continually working on building redundancy and security into our electrical infrastructure, the fact remains that if a relatively small percentage of the nation's 2,000+ high-power transformers are taken offline all at once, most of the country could lose power for weeks, if not months.

When it comes to critical infrastructure versus free speech, protect both.

MODEL POLICY

Critical Infrastructure Protection Act



EDUCATION FREEDOM

EXPANSION OF UNIVERSAL EDUCATION SAVINGS ACCOUNTS

America is in the midst of a K-12 education revolution. More states are challenging the notion that public dollars must be sent directly to public school districts and are instead recognizing that money should follow the student to wherever they will achieve the most. Education Savings Accounts allow states to send education dollars into managed accounts where parents oversee spending the money on anything education-related (books, uniforms, supplies, testing fees, tuition, etc.).

Two years ago, <u>West Virginia became the first state</u> in the Union to pass universal education savings accounts in the form of their Hope Scholarship Program. Last year, <u>Arizona added their name to the list</u> by expanding the Empowerment Scholarship Program to all students in the state. This year, Governor Reynolds has already <u>signed a bill in Iowa</u> to bring universal education savings accounts to Iowans. Utah followed suit just a few days later with their own universal ESA. Ohio, Florida, Nebraska, and Arkansas are also considering proposals that would bring this program to their constituents.

ALEC's model policy, the Hope Scholarship Act, is based on the West Virginia Hope Scholarship Program and passed at the 2022 Annual Meeting.

MODEL POLICY

The Hope Scholarship Act

ADDRESSING CONTROVERSIAL CURRICULUM

Parents should have greater input with local school boards, including curriculum decisions. Local boards should also focus on providing great education for students on the trades.

Controversial curriculum in K-12 schools continues to be a major issue for lawmakers around the country. ALEC advocates for a two-pronged approach. The first is represented by our Academic Transparency Act and Honesty in Teaching Act, which both create mechanisms for parents to object to controversial material and file complaints with the school board when it is being taught. The Academic Transparency Act also requires all teaching and learning materials to be posted online, while the Honesty in Teaching Act creates professional development opportunities for teachers found to be teaching controversial curriculum in violation of the Act.

When families discover and object to this controversial curriculum, but the school district refuses to remove it, ALEC believes they should have an alternative. Our Hope Scholarship Act model policy, which is discussed in the above section, creates a universal education savings account program that parents can access to send their children to another school that better aligns with their values

- <u>The Academic Transparency Act</u>
- The Honesty in Teaching Act



HEALTH CARE

PRICE TRANSPARENCY

Giving patients more information and, as a result, more control, over their health care is the key to bringing down health care costs. Health care is one of the only industries where customers are expected to buy products or services without knowing the cost up front. Laws like those passed in Virginia, Texas and Colorado will help patients take more control over their care, better plan for health care needs and shop for the best value and best price.

MODEL POLICY

Hospital Price Transparency Act

MEDICAID REFORM

States that have not expanded the Medicaid programs under the Affordable Care Act (ACA) are under relentless pressure to do so, <u>regardless of the financial risks</u>. Expansion has diverted resources from low-income pregnant women, individuals with disabilities, seniors and children.

Medicaid fraud is also going to be a big issue as the public health emergency (PHE) ends and states are able to reevaluate their Medicaid rolls. The Families First Coronavirus Response Act increased federal Medicaid payments as long as states did not remove ineligible people from their programs until the PHE ended. Recent reports from the Center for Medicare and Medicaid Services (CMS) show an estimated \$132 billion annually in improper payments and fraud. Cleaning up state Medicaid rolls will be a daunting but necessary task in 2023.

- Requiring Legislative Approval for Medicaid Expansion Act
- Self Sufficiency in Medicaid Act

PRESCRIPTION DRUG POLICY

We continue to see <u>misguided efforts to lower the price of prescription drugs</u> on both a state and federal level. A new debate is also taking place over prescribing authority. Scope of practice reforms that would allow pharmacists and mid-level providers like psychologists to prescribe certain kinds of medication are going to be a hotly debated issue in 2023.

PUBLICATION

Price-Fixing Prescription Drugs Will Cost Us in Cures

SECURING HEALTH CARE DATA

As technology and our personal devices continue to advance, much of our health care data is collected and maintained on apps, phones and cloud-based systems. Looking at who has access to this data, how the data is kept secure and ways policymakers can use the data to make better policy decisions is something that will be increasingly discussed at both the federal and state level.

MODEL POLICY

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Statewide Health Data Utility Act



INTERNATIONAL

CHINA'S THREAT POTENTIAL

China has devised and is accelerating a highly sophisticated subnational strategy in the United States and has identified state and local governments as an American Achilles' heel to undermine federal legislation to counter the PRC's influence. As speakers at the FIR Task Force at SNPS observed, "Beijing is poised to subvert the subnational U.S. system, turning the country inside-out against itself." It is long past time for state and local governments to protect their institutions against influence by rogue global actors including but not limited to China and to press the federal government to do its part on the national level.

While the federal government has mechanisms in place to protect national security (although these protections are not foolproof), the states are highly vulnerable to Chinese influence campaigns through the United Front and other entities; China's acquisition of US rural lands; and the homeland security risks inherent in Chinese-manufactured technology.

MODEL POLICY

- Act to Prohibit Confucius Institutes in Public Institutions of Higher Education
- An Act to Prohibit State Contracts with Chinese Government-Owned or Affiliated
 <u>Technology Manufacturers</u>
- State Infrastructure Protection Act
- An Act to Facilitate the Disclosure of Foreign Grants or Gifts Received by State Agencies

STRENGTHENING ECONOMIC AND STRATEGIC PARTNERSHIPS

The United States is strongest when acting in concert with likeminded economic and strategic allies and measures to strengthen these bonds can take the form of establishing ties between individual states and overseas partners or a resolution encouraging the federal government to strengthen ties with a nation or region.

- <u>Resolution Commending This State's and the United States' Cordial and Mutually</u> <u>Beneficial Relationship with the Nation of Israel</u>
- Resolution in Support of Deepening Euro-Atlantic Integration of the Republic of Moldova
- <u>Resolution Urging the United States to Invite Taiwan to Join the Indo-Pacific Economic</u> <u>Framework</u>
- <u>Resolution to Prioritize Strengthening the US-Taiwan Partnership to Enhance Global</u> <u>Supply Chain Security and Resilience</u>

FUNCTIONAL FEDERALISM

ELECTIONS AS THE FOUNDING FATHERS INTENDED

America's Founding Fathers crafted a system of elections that is fair and ensures that smaller states still wield influence at the national level. However, these protections are being undermined systematically, as some want to experiment with the most precious American right – suffrage. Emphasizing the importance to upholding our federal republic of the structure the constitutional framers devised – including but not limited to the Electoral College – will be of the utmost importance in 2023.

MODEL POLICY

Statement of Principles for Presidential Elections

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