

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Resolution on Equitable Motor Carrier Regulatory Fees

Summary

This Resolution directs state public utility and public service commissions to assess regulatory fees against motor carriers based on the extent of reduced regulatory oversight required of that motor carrier.

Model Resolution

Section 1. {Short Title} This Resolution shall be known as the Resolution on Equitable Motor Carrier Regulatory Fees.

Section 2. {Model Resolution}

WHEREAS, effective January 1, 1995, Congress, through its passage of Sec. 601 of the Federal Aviation Administration Authorization Act of 1994 (now codified at 49 U.S.C. §§11501 (h) (1) and 41713 (b) (4)) preempted state economic regulation of any motor carriers of property; and

WHEREAS, in April 1996, the United States Supreme Court declined to review the decision of the United State Court of Appeals for the Tenth Circuit rejecting all constitutional challenges to the broad economic preemption of intrastate trucking as a proper exercise of the Commerce Clause powers; and

WHEREAS, Congress specifically contemplated that states not indirectly regulate a motor carrier's rates, routes or services through any unaffected authority; and

WHEREAS, Congress specifically extended to the motor carrier industry the broad preemption provision adopted by the United States Supreme Court in interpreting the identical preemption language in the earlier Airline Deregulation Act; and

WHEREAS, motor carriers in the state of *{Insert State}* are regulated by the *{Insert Appropriate State Agency}*; and

WHEREAS, prior to January 1995 the *{Insert Appropriate State Agency}* regulated the rates, routes, services, safety, and insurance of motor carriers; and

WHEREAS, prior to January 1995, the *{Insert Appropriate State Agency}* assessed all motor carriers a regulatory fee based upon the cost regulating of the aforementioned five criteria; and

WHEREAS, in January 1995, this Federal preemption of state economic regulation applied to the activities of the 41 states still regulating motor carriers at that time; and

WHEREAS, in many cases only two of these criteria, safety and insurance, are still subject to intrastate regulation; and

WHEREAS, the *{Insert Appropriate State Agency}* continues to assess all motor carriers regulatory fees based upon its prior regulation of the aforementioned five criteria; and

WHEREAS, many states have reduced their regulatory fee burden by seventy to eighty percent by assessing motor carriers regulatory fees based only upon those areas presently subject to regulation;

NOW THEREFORE BE IT RESOLVED, That the *{Insert State}* Legislature directs the *{Insert Appropriate State Agency}* to adjust the regulatory fees assessed against any motor carriers of property to accurately reflect the actual costs incurred in regulating only those areas still permitted by federal law, and

BE IT FURTHER RESOLVED, that the *{Insert Appropriate State Agency}* shall audit the regulatory fees assessed against any motor carriers of property after January 1995, and where applicable, retroactively refund regulatory fees collected in excess of those still permitted by federal law; and

BE IT FURTHER RESOLVED, that if the Legislature finds an intrastate motor carrier regulatory function performed by the *{Insert Appropriate State Agency}* to be duplicative of that performed by another state agency, then, as long as federal requirements are met, the *{Insert Appropriate State Agency}* shall cease to perform that regulatory function and shall assess no regulatory fee based thereon.

[ALEC's Sourcebook of American State Legislation 1996](#)

Did you know that global corporation Kraft Foods was the corporate co-chair in 2011?

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