



WESTERN GOVERNORS' REPORT

A Report about Western Governors and Government Activities in the West

July 1996

Western Governors University Plan Approved

Western governors recently approved a "revolutionary" plan for using advanced information technology to expand access to higher education across institutional and state lines and to provide mechanisms for assessing what students learn.



In a gesture symbolizing the beginning of the Western Governors University, governors donned WGU sweatshirts and signed the Memorandum of Understanding. Gov. Roy Romer signs the document as Govs. Ed Schafer, Ben Nelson and Mike Leavitt look on.

Ten governors gave the Western Governors University—"a learning system for a new century"—a ringing endorsement when they approved an implementation plan at the Western Governors' Association Annual Meeting June 24 in Omaha. They also passed a resolution providing guidance and direction for the WGU and signed a memorandum of understanding committing them to do their share to move the project ahead.

A highlight of the meeting was the demonstration of a prototype on-line "catalog" or "advisor" that will be a full-service resource for

students, providers of educational services, and business and industry entities seeking employees with defined skills. Gov. Jim Geringer of Wyoming demonstrated the catalog, which will eventually be accessible from anywhere in the world through the Internet's World Wide Web and will be the true center of WGU activity.

Governors Roy Romer of Colorado and Mike Leavitt of Utah are lead governors for the effort.

"WGU is based on two cutting-edge concepts," Romer said. "It will have a strong student-oriented focus and an emphasis on assessment of competency."

Leavitt said there have been many misconceptions about what the WGU is and what it is not.

"The WGU is not a replacement for existing educational institutions. It's a new element," Leavitt said. "Governors hold the keys to break down the barriers of regulations, bureaucracies, tradition and turf."

The memorandum of understanding states that each governor has 60 days to decide if he wants to participate in the next phase of development. A steering committee of participating governors will be formed, development funds

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Telecommunications Act and the West Discussed

Under the Telecommunications Act of 1996, the FCC will establish competitive markets and ensure affordable service. In doing so, western governors told Federal Communications Chairman Reed Hundt it is critical to consider the West's geographic makeup and sparsely populated areas.

The governors met with Hundt at their annual meeting in Omaha on June 24. The governors noted many western states have already opened up their telecommunications markets and they urged Hundt to call upon the experience of these states.

"As you write the rules, establish the goal, offer the incentive, and get out of the way," Gov. Jim Geringer of Wyoming told Hundt.

Gov. Mike Leavitt expressed concern about the hodge podge of frequencies now used by law enforcement and other public safety agencies and how that impedes communications among them.

Hundt agreed to examine carving out a single telecommunications spectrum that could be devoted to public safety communications for all levels of government. The governors said a virtually seamless communications system between law enforcement, fire, and other public safety responders could result.

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“Precedent-Setting” Proposals Approved for Improving Air Quality at Parks



Gov. Mike Leavitt answers questions at a press conference following the Grand Canyon Visibility Transport Commission meeting. Also shown are Navajo Nation President Albert Hale, EPA Regional Administrator Felicia Marcus, Grand Canyon Park Superintendent Rob Arnsberger and Wyoming Gov. Jim Geringer.

In what was described as a precedent-setting action, the Grand Canyon Visibility Transport Commission has approved a comprehensive set of recommendations for reducing emissions that impair the grand vistas of 16 national parks and wilderness areas on the Colorado Plateau. The U.S. Environmental Protection Agency has 18 months to act on the recommendations.

The state, tribal and federal leaders who make up the commission met at the Grand Canyon National Park on June 10 and voted 11 to 1 to adopt the proposals.

the commission's Public Advisory Committee, comprising representatives from all levels of government, industry, environmental groups and academia.

“The Commission has set a precedent for addressing environmental issues that cross jurisdictional boundaries. Working together we can come up with innovative solutions that fit our region,” said Utah Gov. Mike Leavitt, who chaired the meeting. “This process should serve as a model for the rest of the country. We’ve proven what the West has long advocated; west-

The State of Nevada voted no.

Among other things, the recommendations would reduce emissions by vehicles and power plants, encourage pollution prevention measures and minimize the smoke impacts from prescribed fires. The package was developed by the

ern people working together create better solutions than do one-size-fits-all mandates from Washington.”

Among the recommendations the commission approved are:

- Stationary sources (large industrial facilities)—By the year 2000, emissions of sulfur dioxide would have to be reduced by at least 13 percent from 1990 levels. Incentives would be instituted to reach the target. If the target is not reached, a region-wide emissions cap would be put in place and a market-based emissions trading program implemented.
- Mobile sources (vehicles, including cars, trucks, ships, trains, etc.)—National, regional and local strategies are recommended, including adoption of low emission vehicle standards beginning in 2001, promotion of cleaner burning fuels and incentives to reduce reliance on single-occupant vehicles.
- Pollution prevention—Recommendations include creating economic incentives for pollution prevention efforts, encouraging development of renewable energy and energy conservation and exploring the concept of an emissions fee for certain polluters. The report will be available on the web at www.westgov.org.

Western Governors' Foundation

The Western Governors' Foundation recently announced it is expanding its mission to serve as the source of strategic “seed capital” for research projects at the Western Governors' Association and for other organizations and individuals that help serve the governors and the region.

The Foundation accepts grants and gifts from corporations, foun-

dations and individuals. The foundation uses the charitable donations to make awards to WGA and others who assist it in policy development and implementation.

The foundation funds WGA programs and policy development in several key areas, including, information technology and governance, natural resources, the environment, human services,

economic development, international relations, and state management.

Donor contributions are tax deductible to the extent allowed by the law.

For information on how you can support the Foundation contact WGA at (303) 623-9378.

Summary of WGA Resolutions for 1996

Future Transportation Needs in the West

Sponsor: Gov. Nelson

The Governors adopted positions on the reauthorization of the Intermodal Surface Transportation Efficiency Act, the Airport Improvement Act and selected rail assistance programs. The Governors reauthorized a public-private Task Force on Transportation Futures, initiated a Western Freight Partnership to address specific shipper-carrier issues, and established three working groups under the Task Force to address issues related to motor freight needs in state and metropolitan transportation planning; local and state impacts caused by railroad operating efficiency improvements, and telecommunications.

Western Governors University

Sponsors: Govs. Nelson, Romer and Leavitt

The governors call for policies that create a positive policy environment for the WGU and removal of unnecessary barriers. They seek to facilitate the interstate transmission of quality educational programs, allow evidence of student performance and competency to be used as a basis for judging program quality, provide financial incentives for competency-based programming, allow the achievement of competencies to be used as the basis for allocating a portion of state funding, eliminate financing disincentives for access to out-of-state providers, allow competency to be used as the basis for transfer and articulation, and encourage common technology standards. The governors also endorse passage of intellectual property legislation applicable to the Information Superhighway that maintains the appropriate balance between owner and user rights, and changes in federal student aid policies.

Emergency Response to Drought

Sponsor: Gov. Johnson

A comprehensive and integrated drought emergency response efforts should be coordinated through a WGA task force that obtains input from the Western States' Water Council, federal, state, local and tribal officials who have jurisdiction over areas impacted by drought. It would also seek input from other water conservation, forest management, and agricultural professionals. The task force will take a multi-pronged approach to drought response including identification of barriers to effective response at the federal level;

development of criteria for assessing various stages of drought and emergency response measures; and coordination of information sharing on successful relief measures among states, localities and tribes.

Use of Reformulated Gasoline Nationwide

Sponsor: Gov. Nelson

States should have enhanced flexibility under the reformulated gasoline program, by allowing attainment areas meeting ozone air quality standards to participate. The U.S. Environmental Protection Agency is considering a rule that would allow such attainment areas to participate in the program at the request of a governor. The governors support such a rule, which would provide states with another strategy to combat air pollution and achieve the Clean Air Act's goals.

Implementation of the National Environmental Policy Act

Sponsor: Gov. Geringer

The governors believe the broad goals and objectives of the National Environmental Policy Act (NEPA) are important and have improved the overall quality of decisions by federal agencies. The governors support amendments to the Act that would improve the overall effectiveness and provide enhanced efficiencies during implementation.

Air Quality Reform and Flexibility

Sponsors: Govs. Symington and Leavitt

The protection of air quality in the West is a high priority for governors. The governors recognize the role of the federal government in setting air quality standards and requiring states to develop plans to meet these standards. However, they believe EPA's oversight is burdensomely prescriptive and needs to be shifted towards an environmental performance basis. Additionally, the governors believe there is a need for regulatory and institutional reforms that will allow states to develop comprehensive regional approaches for dealing with air quality issues in the West.

Minimum Funding for Abandoned Mine Land Program

Sponsor: Gov. Johnson

The Abandoned Mine Land Program, authorized under the Surface Mining Control and Reclamation Act of 1977, restores lands mined and abandoned or left inadequately restored before August 3, 1977. In recent years minimum funding for qualifying state programs has been reduced, even though accumulated balances in the fund have gone unappropriated. Governors support maintaining the annual \$2 million minimum-funding level for each qualifying state as authorized and distribution of the cumulative unappropriated fund balances to the states.

Reauthorization of the Airport Improvement Program

Sponsor: Gov. Nelson

Without reauthorization the Airport Improvement Program will expire on September 30, 1996. Congress is urged to act quickly to reauthorize or replace AIP, to enact a multi-year program, ensure fair and adequate funding for all types and sizes of airports, and provide more flexibility in the program. Congress is also urged to reinstate the aviation ticket tax, which funds the AIP.

Beef Exports and Non-Tariff Trade Barriers

Sponsor: Gov. Geringer

Western state beef exports are limited by the non-tariff trade barriers of our trading partners. Trade rules are in place that if enforced would open up markets otherwise closed or limited. The governors urge the federal government to elevate its discussions with our trading partners on these issues and to keep its commitment to the states to consult with them on the implementation of trade agreements. Also, nations that desire to accede to trade agreements should accept the same terms as those nations that are already parties.

Environmental Technology

Sponsors: Govs. Nelson and Leavitt

In June 1995 western governors directed their environmental agencies to develop and test mechanisms for interstate regulatory cooperation on the permitting

and evaluation of new environmental technologies. An Interstate Technology and Regulatory Cooperation working group was formed to test these mechanisms for a year and report their findings. The western governors support efforts to save time and money by: improving state permitting processes for new technologies; verifying the cost and performance of promising new technologies; and speeding the deployment of proven technologies through interstate technology and regulatory collaboration. The ITRC is a valuable state-led model for the coordination of state practices to promote the deployment and commercialization of new, more cost-effective environmental technologies and it is directed to continue its efforts.

Ordnance and Explosives Waste Regulatory Framework

Sponsors: Govs. Kitzhaber and Romer

The Environmental Protection Agency's proposed munitions rules and the draft Department of Defense rules regulating munitions on military ranges should not include provisions to override, sunset or preempt the authority of states and tribes to establish and enforce environmental standards. Any such preemption contradicts the letter and intent of the Federal Facilities Compliance Act of 1992, which clearly expressed a mandate that the military be fully accountable to EPA and the states in its management and cleanup of waste munitions. The governors urge a collaborative approach of state, tribal, federal governments and other key stakeholders for the development of comprehensive rules for unexploded ordnance and munitions hazardous substances and waste which protects safety, health and the environment.

Transfer of Ward Valley Site to California

Sponsor: Gov. Wilson

The states of California, Arizona, North Dakota and South Dakota have identified a site in Ward Valley, Calif. for the regional disposal of commercial low-level radioactive waste. However, the transfer of the land from federal ownership to the State of California is the remaining obstacle. A recent action by the U.S. Department of the Interior would delay the transfer of this land for at least 18 months, and would create opportunities for further delay, which could make the Ward Valley facility infeasible. The Western Governors' Association supports the immediate transfer of the Ward Valley site to the State of California. The Governors would oppose any other site transfer where the host state governor has not approved that site.

Regulation E and Electronic Benefits Transfer

Sponsor: Gov. Romer

Regulation E is a consumer protection regulation adopted by the Federal Reserve Board which allows banks to hold consumers liable for only the first \$50 of charges against a credit card account when a card is lost or stolen and improper charges have been made on the account. Despite strong opposition by states, the Federal Reserve Board ruled that Regulation E should apply to Electronic Benefits Transfers (EBT) which states are using more regularly in the delivery of public benefits. The application of Regulation E to EBT would create a new entitlement for which states would be held liable. In the resolution, the governors state opposition to the application of regulation E to EBT, and direct WGA to seek Congressional action to exempt EBT from Regulation E.

Victims' Rights

Sponsor: Gov. Symington

To achieve a balance between the rights of criminal defendants and their victims, and to address the vagaries between state constitutions and the supremacy clause, the U.S. Constitution should be amended to afford victims their just rights. At a minimum, these rights include the right to be present at the judicial proceedings and the right to be heard at the most important stages of the proceedings. The governors therefore support the principles embodied in both Senate Resolution 52 and House Joint Resolution 174.

Juvenile Crime

Sponsor: Gov. Johnson

It is predicted that violent juvenile crime will continue to increase and that substantial resources will be necessary to address it. All elements of government, the private sector, and communities must initiate effective enforcement and prevention programs. The federal government must assist the states in this fight by allocating resources in a manner that allows for the defense of communities.

Interstate Compact for Military Support for Civil Emergencies and Enhanced Disaster Response Capabilities

Sponsor: Gov. Johnson

Because of the unique characteristics of the West, effective disaster response may require assistance from sister states and their National Guard. Mutual

interstate assistance compacts can help to resolve the legal and other issues related to National Guard units assisting neighboring states. The governors urge the Congress to ratify the interstate compact being circulated amongst the states for adoption that allows for greater coordination and responses to disasters.

Future Management of the National Forest and Public Lands

Sponsors: Govs. Geringer and Kitzhaber

Public lands are a vital component of our rich natural resource heritage, however, public land laws are not working as intended. The following principles should guide public land management in the next century:

- A more efficient and effective public participation process is needed.
- Managers of public lands should pursue a more efficient and effective land ownership pattern.
- The planning process should be improved to encourage resource sustainability and economic viability.
- Public land laws should interact in a meaningful manner to reach mutually agreed to goals.
- Additional incentives are needed to improve management, resource conditions, and environmental restoration.
- Greater opportunities for partnerships in managing the public lands should be created.
- Case studies and pilot efforts should be used to develop alternative mechanisms and models for federal land use management.

Open Spaces

Sponsors: Govs. Geringer, Romer and Kitzhaber

Open space values and policy options should be explored while the resource remains relatively abundant. To the maximum extent possible, decisions to protect open spaces should be initiated at the local level. The governors support voluntary incentive-based methods for preserving open space, maintaining land and water for agricultural and timber production, wildlife and other values. Western Governors will provide assistance to local governments examining trends, causes and consequences of open space conversion. Federal agencies are encouraged to effect land exchanges to reserve open space in urban settings and be willing to sell lands no longer necessary for a federal agency's mission, contributing the proceeds to local initiated efforts.

Funding for Emergency Preparedness for Spent Nuclear Fuel and High-Level Radioactive Waste Transportation

Sponsors: Govs. Miller and Nelson

The Department of Energy's policies and procedures proposed in the May 16, 1996 Federal Register notice jeopardize western and other states' ability to assure safe and uneventful transport of high-level radioactive waste and represents a potentially costly unfunded mandate. It is the responsibility of the generators of spent fuel and radioactive waste and the federal government, not the states, to pay for all costs associated with assuring safe transportation, and responding effectively to accidents and emergencies.

No shipments of spent fuel and high-level radioactive waste should be made to storage facilities or a repository until DOE has identified shipping routes and funds and assistance have been made available to states for three years prior to the start of shipments.

Timely Opening of the Waste Isolation Pilot Plant

Sponsors: Govs. Romer, Batt and Johnson

The Western Governors strongly encourage all parties to WIPP-related lawsuits to seek expeditious resolution of the legal issues and to proceed towards determining the suitability of WIPP as a disposal facility for transuranic waste without further delay. WIPP's shipping/receiving capacity should be increased to full scale as expeditiously as possible, including the construction of the necessary TRUPACT II containers and the preparation of greater quantities of waste for shipment. DOE and the Office of Management and Budget are urged to seek the resources necessary to reach full-scale shipping and receiving capacity as quickly as safety and compliance considerations will allow.

Summit of the Beef Producing States

Sponsor: Gov. Nelson

As a result of drastic price drops in the cattle industry, many cattle producers are being forced to exit this once profitable industry. There are a number of reasons for the price declines in the beef market including the structure of the market, market inputs, and drought conditions. Western governors urge that interested parties gather in Omaha, Nebraska on July 9, 1996 to address these issues.

Sunsetting Resolutions Readopted

- George S. Mickelson Memorial Fellowship
- A Transportation Program for Shipment of Spent Fuel Under the Nuclear Waste Policy Act
- Mining Law of 1872
- WGA Relations with the Western Premiers' Conference
- WGA Relations with Mexico and the Border Governors' Conference

Copies of WGA resolutions are available on the Internet at www.westgov.org, or you may request a copy of a specific resolution by calling (303) 623-9378.

Successful Efforts Highlighted in Fire Policy Update

A new WGA report contains excellent examples of local and state governments working to address the growing issue of fires in what is called the wildland/urban interface.

WGA and the Western Council of State Foresters compiled reports from various states on steps they've taken to reduce the risk of fire to people and property and to the fire professions sent in to battle these devastating fires. The update is a follow up to WGA's Fire Policy Action Report issued in February.

Govs. Roy Romer of Colorado and Fife Symington of Arizona lead this WGA effort.

"Although it is early in the fire season, thousands of acres of wildlands have already been scorched, and numerous homes have been destroyed," Romer and Symington said in the update's cover letter. "...we cannot stress enough the importance of federal, state and local governments working in partnership to address the issue of fire in the wildland/urban interface."

Future work will focus on how government and private entities can work in partnerships to lessen the hazards. Copies of the update are available from WGA.

Great Plains Council Meets

The Great Plains Partnership Council approved a two-year work-plan when it met in Omaha June 22.

Gov. Jim Geringer of Wyoming took over the reigns of the project from Nebraska Gov. Ben Nelson. The GPP mission is to catalyze and empower the people of the Great Plains to define and create their own generationally sustainable future.

Its focus in coming years will be in data development and dissemination, continued assistance to pilot projects, and expanded services concerning Great Plains conservation issues.

The work plan is available on the Internet at <http://rrbin.cfa.org/rrbin.gpp/gpphome.html>.

Mickelson Fellowship Awarded

The Deputy Director of Nebraska's Department of Public Institutions, Dr. Beth Macy, has been awarded the George S. Mickelson Memorial Fellowship, which is funded by the Western Governors' Foundation.

She will use the \$15,000 award to design and test a conflict resolution model at the Nebraska Veterans' Homes. The fellowship is named for the former and late South Dakota Governor and WGA Chairman George S. Mickelson, who was killed in a plane crash in April 1993.

Each WGA chairman chooses a deserving state employee to receive the fellowship, which funds a demonstration or training opportunity that otherwise would not be possible.

"In an age when it's popular to criticize government as being sluggish and archaic, Beth's innovative proposal is a step ahead of most private corporations," said Gov. Ben Nelson, Neb., the immediate past chairman for WGA.

Transportation Task Force Recommendations Approved

Western governors have recommended several steps be taken to improve the efficiency, safety and capacity of the West's transportation systems in ways that will boost the region's economic competitiveness and preserve its quality of life.

The recommendations are contained in a report prepared by the Transportation Futures Task Force chaired by Nebraska Gov. Ben Nelson, and Neil Goldschmidt, former Secretary for the U.S. Department of Transportation. The task force included public officials and senior executives from transportation-related businesses.

In a letter accompanying the report, Nelson and Goldschmidt noted that vast distances across western states highlight the critical importance of transportation.

"The West's location demands a seamless and efficient transporta-

tion network connecting the region's trade corridors, economic gateways, hubs, population centers and attractions — linking them with the world," the letter stated. "While transportation needs will continue to exceed anticipated revenues, the western states, like private companies, are thinking 'smarter' as they shoulder their transportation systems and infrastructure responsibilities."

They said the recommendations in the report seek to further existing proactive and creative approaches to handling the West's transportation needs through government-to-government and public-private partnerships.

Among the issues covered in the report are trade opportunities, freight movement, community needs, rural access, and urban mobility. Copies of the report are available from WGA.

Schafer Elected New WGA Chair

Gov. Ed Schafer of North Dakota is WGA's new chairman and Gov. Roy Romer of Colorado will serve as Vice Chairman.

Schafer's theme as chairman for the coming year is "Common Interest: Commanding our Own Destiny," which he says builds on efforts by western governors to improve the way government delivers services to people by supporting the devolution of government movement.

"We need to focus on completing projects such as the Western Governors University and the Health Passport Project," Schafer said. "We also have a lot of work ahead to implement recommendations made by several recent major

WGA studies on transportation and telemedicine."

Schafer said he will ask WGA members to consider an all-western governors trade mission to Asia, which he said would attract increased investment and new jobs to the West by demonstrating the region's strength and opportunities.

"Asia is the fastest growing market for United States products. In fact, some analysts predict annual average growth in exports to the region of 12 percent for the next five years," Schafer said.

WGA staff has been asked to study the possibilities for such a mission to be pursued sometime in 1998.

Recommendations Approved on Environmental Technologies, Waste Site Cleanup

Western governors and senior officials from four federal agencies have approved recommendations for speeding the cleanup of federal waste sites by promoting the development and use of cost-effective, innovative technologies.

The Committee to Develop On-site Innovative Technologies (DOIT) released its final report, Collaborative Approaches That Save Time and Money in Western Federal Site Cleanup, June 22. The report's recommendations were developed over more than three years by regional working groups and demonstration site teams whose members included representatives from all levels of government, industry, environmental groups, community groups and academia.

"The federal government spends \$8 billion a year cleaning

up waste sites at military bases, bombing ranges, radioactive sites at Energy facilities, and abandoned mines," said Nebraska Gov. Ben Nelson, Chairman of the Western Governors' Association and one of four governors on the DOIT committee. "The changes we recommend will help reduce costs and get federal sites back into civilian use faster."

Over the past two years, demonstration site teams at seven federal facilities tested new approaches to the cleanup process, which included broader citizen involvement in decision making, enhanced coordination among state and federal agencies, streamlined regulatory review and incentives for innovation.

Copies of the DOIT Committee's report and the reports of its working groups and site teams can be obtained from WGA.

WGU Plan Approved

(Continued from Page 1)

raised and a business plan created.

The implementation plan calls for a very small central operation and numerous local centers. The central operation will do such things as set skills standards with faculty and industry experts; develop assessments, control quality, set requirements for local centers; and provide student services.

The WGU will offer certifications and degrees, but it will not offer its own courses, rather it will draw from existing institutions and other providers.

The local centers "franchised" by the WGU would provide support services and would serve as an access point for people wanting to take advantage of the various educational opportunities offered.

The WGU will eventually be a non-profit independent corporation.

Copies of the implementation plan, MOU and resolution are available from the WGA or the Internet at www.westgov.org/smart/vu/vu.html.

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NM ENVIRONMENT DEPARTMENT
OFFICE OF THE SECRETARY

KATHLEEN SISNEROS
NM ENVIRONMENT DEPARTMENT
PO BOX 26110
SANTA FE, NM 87502-0110
94135
075 3-DIGIT 075

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is published by the
Western Governors' Association
Chairman
Gov. Edward T. Schafer
North Dakota
Vice Chairman
Gov. Roy Komer
Colorado
Executive Director
James M. Souby

Western Governors' Association
600 17th St., Suite 1705 S
Denver, CO 80202
www.westgov.org

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