Silver Tsunami
Are States Ready for an Aging America?

INSIDE:

STATE SHUTDOWNS
TESTING TEACHERS
PREVENTING DEATH
MADE IN AMERICA

Nuclear Energy Produces Thousands of Jobs

How can we generate more low-carbon electricity that is affordable while creating more American jobs?

Reliable nuclear power plants in 31 states supply one-fifth of America’s electricity. The nuclear energy industry plays an important role in job creation and economic growth, providing both near-term and career-long employment.

Worldwide, more than 200 nuclear energy projects are in the licensing and advanced planning stage, with 63 reactors under construction. This means more demand for U.S. nuclear energy expertise and components for the $740 billion global market over the next 10 years.

With demand for electricity also growing here in the United States, the nuclear energy industry will create tens of thousands of jobs for American workers while providing global customers with the safest technology in the marketplace.

nei.org/jobs
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become hot political topics. 

dismissed as “women’s issues”—have 
of working parents with children—once 
boomers have grown up, the problems

All of a sudden, now that the baby 

KIds, FAMILIEs ANd POLITIcs 

with lawmakers often in the middle. 

physicians against health policy critics, 
that will continue to simmer. It pits 
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In this country, good medical care is 

A PAINFuL PrEscrIPTION 

lost seats in state legislatures. 

time in 30 years that the president’s party 

virtually no effect on congressional and 

George Bush’s impressive win of 

1988: AN ELECTION WITHOUT CHANGE 

George Bush’s impressive win of 
40 states and 426 electoral votes had 
virtually no effect on congressional and 
state legislative elections. This election 
marked the first time since 1960 that a 
political party won the presidency but lost 
seats in Congress, and only the second 
time in 30 years that the president’s party 
lost seats in state legislatures.

A PAINFUL PRESCRIPTION 

In this country, good medical care is 
available for the rich and the middle 
class. For the poor it is being rationed, 
by design or by default. The emotional 
debate over health care rationing is one 
that will continue to simmer. It pits 
physicians against health policy critics, 
with lawmakers often in the middle.

KIDS, FAMILIES AND POLITICS 

All of a sudden, now that the baby 
boomers have grown up, the problems 
of working parents with children—once 
dismissed as “women’s issues”—have 
become hot political topics.

Before the state capital site was 
designated, New Hampshire legislators 
met in eight different cities for more than 
a decade. Then in 1816, the state held a 
contest between the cities of Concord, 
Hopkinton and Salisbury. A major reason 
Concord won was its lower price tag. 
The city offered to donate the granite for 
the structure from the local quarry and 
use prison inmates for free labor. And 
that’s how the Statehouse was built for 
only $82,000. One of its defining features 
that’s how the Statehouse was built for 

To find out, go to: www.nh.gov

“To a variety of public health websites.

Visit www.ncsl.org/magazine 

THIS MONTH TO: 

◆ Learn more about state laws, 
rules and regulations on alcohol.

◆ Find more resources and 
research on health care issues 
for the aging population.

◆ Discover the wealth of 
NCSL’s online materials on 
state budgets.

◆ Read more about teacher 
assessment trends and 
legislation.

◆ Link to a variety of public health websites.
Average Incomes no Longer Falling, but...

The U.S. median household income fell 6.6 percent, from $55,030 in 2000 to an inflation-adjusted $51,371 last year, Census Bureau figures show. A few states bucked the trend, but 35 saw a statistically significant decrease in the past 12 years. Michigan, the hardest-hit state, experienced a 19 percent skid because of auto industry layoffs. States that thrived include North Dakota and its neighbors, which cashed in on the oil and gas boom, and Maryland, where the national security industry ramped up after the terrorist attacks of Sept. 11, 2001.

The fall Census report produced two pieces of good news: Last year, for the first time since 2007, median household income didn’t decline, and, the number of men working full time increased by 1 million from 2011.

Census figures also show that 46.5 million Americans lived below the federal poverty line in 2012. That’s 15 percent of the population, 2.5 percentage points more than in 2007.

Median Incomes By The Numbers

$55,030 U.S. average in 2000

$51,371 U.S. average in 2012

$68,600 Average for Asian-Americans, 2012

$33,300 Average for African-Americans, 2012

19% Drop in Michigan’s since 2000, the steepest

17% Rise in North Dakota’s since 2000

23% Rise in Washington, D.C.’s, since 2000

8 States with decrease of 10 percent or more since 2000

11.3% U.S. poverty rate in 2000

15.1% U.S. poverty rate in 2012

From 2000 to 2010, drops in median income in American Samoa, Guam, Northern Mariana Islands and Puerto Rico ranged from one to 31 percentage points. Income rose 19 percent in U.S. Virgin Islands.

Median Household Income

<table>
<thead>
<tr>
<th>State</th>
<th>Median Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
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<tr>
<td>New Jersey</td>
<td>$69,667</td>
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<td>Alaska</td>
<td>$67,772</td>
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<td>Connecticut</td>
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<tr>
<td>Hawaii</td>
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<td>Massachusetts</td>
<td>$65,339</td>
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<tr>
<td>New Hampshire</td>
<td>$63,280</td>
</tr>
<tr>
<td>Virginia</td>
<td>$61,741</td>
</tr>
<tr>
<td>Minnesota</td>
<td>$59,906</td>
</tr>
</tbody>
</table>

10 States with Highest Median Incomes, 2012

Median Household Income and Unemployment Rate, 2000-2012

Source: Census Bureau
NEWS HEADLINES

WISCONSIN ASSEMBLYMAN BILL KRAMER (R) WAS ELECTED MAJORITY LEADER this fall after Representative Scott Suder (R) stepped down to take a job with the Public Service Commission. Kramer had been speaker pro tem, which will now be filled by a former Assembly aide, Representative Tyler August (R), who was elected to office in 2010 at the age of 27. Suder eventually decided against the Public Service Commission job, choosing instead to become a lobbyist for the Wisconsin Paper Council. The commission job will now go to Representative Jeff Stone (R).

IT TOOK TWO YEARS—90 MINUTES OF DEBATE—BUT EVENTUALLY THE ALASKA LEGISLATIVE COUNCIL VOTED TO ALLOW LAWMAKERS TO UPDATE THEIR FACEBOOK PAGES on state computers and to grant Facebook access to certain staff for business purposes. The council—a joint House-Senate committee—decided, however, not to continue the Facebook restrictions for legislative aides. The social media policy expired a couple of years ago, and next only to oil taxes, would become the issue’s hot potato. Concerned whether postings are public records or count as politicking, the Legislature sought advice from NCSL.

THE LONGEST-SERVING LEGISLATOR IN INDIANA HISTORY DIED THIS FALL AT THE AGE OF 82. PHYLLIS POND (R), a kindergarten teacher before being elected to the House of Representatives in 1978, focused her career on improving education. One of her major bills lowered class sizes. Pond was the first woman lawmaker to sit in the first row on the Republican side of the House—the row reserved for those with the most seniority. “Phyllis was a revered colleague, a strong voice for her district and a compassionate conservative who always stood by her principles,” Speaker Brian Bosma said. Calling her “an historic leader for the people of Indiana,” Senate President Pro Tem David Long said Pond “never lost her zeal for the job, nor her focus on improving the lives of the people of our state…We will miss her greatly.”

THE OHIO SUPREME COURT HAS FAST-TRACKED A SUIT CONTESTING THE EXPANSION OF MEDICAID BROUGHT BY SIX REPUBLICAN LAWMAKERS. The suit contends that the Governor’s administration’s decision to accept federal money to extend Medicaid coverage to those earning up to 138 percent of the federal poverty level is illegal because it violates the intentions of the General Assembly. Since the court did not place a stay on preparations, the state is proceeding with expansion plans. The legislators bringing suit are Representatives Ron Young, Matt Lynch, Ron Hood, John Becker, Andy Thompson, and Ron Maag, as well as Cleveland and Cincinnati Right to Life organizations.

NEW YORK SENATE REPUBLICANS FILED A MOTION TO QUASH A SUBPOENA ISSUED BY THE STATE’S NEW ANTI-CORRUPTION COMMISSION in the latest and escalating conflict with Governor Andrew Cuomo (D). They argued the commission’s demand for the details of their “housekeeping accounts,” (campaign committee funds with few limits and regulations) suggests “partisan bias” and is “overbroad.” The GOP’s attorney, Michael Chertoff, said the commission is seeking “sensitive internal political communications” that violate the GOP’s “right to free speech and political association.” Cuomo formed the panel after his anti-corruption legislation failed. He had proposed it after three Democrats—two senators and an assemblyman—were arrested last spring.

IN ALABAMA, A LEGISLATOR CAN RESIGN FROM ONE HOUSE TO TAKE A JOB LOBBYING THE OTHER HOUSE. This summer, when three lawmakers ended their terms early to do just that, Alabama Senate President Pro Tem Del Marsh (R) decided it was time to end the practice. He’s introduced a bill to extend the current two-year ban on lobbying your former chamber to include both houses of the Legislature. “When someone is elected to office, they owe it to the voters to finish their terms,” Marsh says. “Leaving office early to become a lobbyist ultimately casts a bad light on the majority of lawmakers who have a genuine interest in serving their constituents.” Marsh’s proposal would carry a penalty of up to 20 years in prison and a $30,000 fine.

MISSOURI’S REPUBLICAN SUPERMAJORITY OVERRODE A RECORD 10 VETOES by Governor Jan Nixon (D)—the highest number in a single session in 180 years. The bills covered a variety of issues, from farmland to foster care to liability protections. The governor vetoed 29 bills and four line items, but the legislature failed to get the two-thirds majority needed to override a couple of them—one on nullifying federal gun restrictions and another on reducing income tax rates. Speaker Tim Jones (R) said losing those two high-profile bills was only a “temporary setback.”

DEMOCRATS CONTROL THE VERMONT HOUSE BY A WIDE MARGIN, and now the majority caucus is majority female. Marjorie Ryerson, a poet, writer and professor, became the 49th female member of the House Democratic Caucus when she was appointed to fill the seat left vacant by the death of Larry Townsend, tipping the scale for the first time in Vermont history. It also increases the tally of caucuses with female majorities to seven: the Arizona, Colorado and New Hampshire senates; and the Idaho, Montana, Utah and Vermont house chambers. All the majority female caucuses are Democrat.
Big Bets on Internet Gaming

The nation’s first legal gambling website debuted in Nevada this April, and Delaware and New Jersey have just followed suit with their own online betting games. These states were first, but it’s unlikely they’ll be the last. Lawmakers in California, Hawaii, Illinois, Iowa, Massachusetts, Mississippi and Pennsylvania introduced online gaming measures this year, and more are expected to follow. Brick-and-mortar casinos are licensed in 18 states, up from six states in the early 1990s, and the increased competition has flattened revenues. Casino owners, as well as state tax offices, hope to recapture some of that lost revenue by being first to the gate with online gaming.

Americans spent $37.34 billion on casino gambling in 2012, with companies returning $8.6 billion in taxes and fees to states and local communities, according to the American Gaming Association. The three states’ projected tax revenues from online gaming vary widely, as do their tax rates. Nevada collects 6.75 percent of online gaming revenues and anticipates tax revenues around $3 million this year. New Jersey collects 15 percent and hopes to bring in $35 million to $180 million.

Delaware, where all gambling operations are state run, collects 43.6 percent of online slots revenue and 29.4 percent of other online games. The state expects its share of online revenues the first year to be only $3.75 million, but Delaware officials plan to join other states to offer bigger jackpots and attract more players, which should increase revenues.

Nevada limits online gaming to poker, at least for now. Ultimatepoker.com, which opened its virtual doors on April 30, dealt more than 2 million hands the first month and is credited with boosting the May earnings of its parent company, Station Casinos, 11.4 percent over last year. Gamblers must be at least 21 and in Nevada to play. They can use smartphones or personal computers as long as they’ve opened and funded an account. Nevada’s regulations allow it to join others states to increase the online player pool, similar to lottery games such as Powerball or Mega Millions.

In New Jersey and Delaware, gamblers have a choice beyond poker. Websites also offer roulette, slots, blackjack and more. Several of Atlantic City’s 12 casinos have worked with international companies that run online betting enterprises in the roughly 85 countries that have legalized it—the first being the twin island Caribbean nation of Antigua and Barbuda in 1994.

Other states are taking a cautious approach. Pennsylvania, for example, has two online gaming bills, one in favor, and one opposed, both being reviewed by the Pennsylvania House’s Gaming Oversight Committee. Representative Tina Davis (D) introduced a bill to establish guidelines and regulations to attract more Internet gambling. A month later, Representative Paul Clymer (R) introduced a bill to ban online gambling, citing “the serious problems of gambling addiction and the related social problems that would occur” if Internet gambling were legalized. As many as 9 million adults and 500,000 adolescents in America have problems with gambling, costing the country $7 billion annually in crime and bankruptcy, according to the National Council on Problem Gambling.

—Jonathan Griffin

**Royal Flush**

<table>
<thead>
<tr>
<th>States with the highest casino tax revenues, 2012</th>
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<tbody>
<tr>
<td>Pennsylvania</td>
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<tr>
<td>Nevada</td>
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<td>New York</td>
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<td>Indiana</td>
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<td>Louisiana</td>
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<td>Illinois</td>
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<td>Missouri</td>
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<td>West Virginia</td>
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<tr>
<td>Iowa</td>
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<td>Rhode Island</td>
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Source: American Gaming Association Report, 2013
America’s Beer Distributors
Supporting State-Based Alcohol Regulation

In December 1933, the 21st Amendment repealed Prohibition and granted states the primary authority to regulate alcohol. Today, 80 years later, state-based regulation continues to ensure the responsible and safe distribution of alcohol products to American consumers of legal drinking age.

America’s 3,300 licensed, independent beer distributors provide jobs with good wages and benefits to 130,000 men and women. These distribution employees are proud to help America’s 2,400 brewers grow and thousands of labels of beer reach consumers from coast to coast.
Nearly 80 years after the repeal of Prohibition, states are still actively regulating the sale and distribution of alcohol, loosening some restrictions and tightening others. Legislators introduced more than 1,500 alcohol-related bills and passed more than 375 this year, numbers similar to prior years. Common topics included home brewing, serving and selling hours, direct shipment, tastings and samplings, and underage drinking.

Home Brewing
Alabama and Mississippi this year lifted bans on home brewing—the last two states to do so. Alabama’s new law gives a green light to homemade beer, mead, cider and table wine. Mississippi, which already allowed people to make wine at home, added beer, while New Hampshire, which already allowed beer making, added wine. Alabama, Georgia, Illinois, Mississippi and Missouri enacted laws allowing home brewers to transport their creations to exhibitions, tastings and competitions.

Serving and Selling Hours
Maine now permits the sales and delivery of alcohol to start an hour earlier, at 5 a.m., on most days. The new law also exempts St. Patrick’s Day from the state’s prohibition on Sunday morning sales. When the holiday falls on a Sunday, bars can start serving at 6 a.m. Of the more than 60 proposals involving operating hours around the states, at least 15 were enacted. Kentucky now allows bars and liquor stores to sell all day on election days. Rhode Island lengthened the hours certain liquor stores can be open, and New Hampshire lengthened the hours bars can serve, from 1 a.m. to 2 a.m., seven days a week, if local ordinances allow it.

Direct Shipment
Montana has joined the 38 other states and Washington, D.C., that permit wine producers to ship directly to consumers. Montana’s shipment limit is 18 nine-liter cases of table wine annually. Although Arkansas does not allow direct shipments, winery visitors can send home one case per calendar quarter.

Samples and Tastings
Among the 23 bills enacted this year, West Virginia authorized farm wineries to sell samples and bottles during fairs and festivals on Sunday mornings. Michigan and Washington now allow wine tasting at farmers’ markets. Maryland added a requirement that winery owners who sell wine or provide samples at farmers’ markets have an agent present who is certified by an approved alcohol awareness program.

Connecticut and Indiana now permit distilled spirits makers to offer tastings, and Kentucky and Oklahoma authorized breweries to do the same. Kentucky caps the sample at 16 ounces per patron per day, while Oklahoma’s law caps it at 12 ounces per day. Minnesota amended an existing statute to allow malt liquor at wine-tasting events that charge participants a fee or donation.

Underage Drinking
Lawmakers enacted nine of the more than 100 bills introduced. Minnesota, North Carolina and Washington passed laws granting immunity from prosecution to anyone under age 21 who seeks medical help for an underage drinker. Hawaii lowered the bar for prosecutors in cases where adults are accused of providing alcohol to minors; they now must prove the adults acted “recklessly” instead of “knowingly.” A New Mexico law lessens the criminal penalty for the first offense of serving a minor in a bar if the offender completes an alcohol server training program. Under the new law, alcohol-server training permits are valid for three years instead of five.

To make it more difficult for underage drinkers to purchase alcohol, Maryland and Washington limit the use of self-scanning cash registers in alcohol transactions. Washington requires that self-checkout registers be programmed to halt the transaction until an employee of the retailer verifies the purchaser’s age. Maryland prohibits use of self-scanning cash registers in alcohol-licensed locations in Prince George’s County. Retailers who violate the ban are subject to a maximum $1,000 fine for a first offense and a maximum $2,500 fine for a second offense. If the retailer has any subsequent offenses, the retailer’s license can be suspended or revoked.

—Heather Morton

To learn more about alcohol rules and regulations, go to www.ncsl.org/magazine.
The Long Lens of the Law

To remove red light cameras, or not to remove red light cameras. That is the question facing lawmakers in Arizona, Colorado, Florida, Iowa, New Jersey and Ohio.

In Florida, which collected $100 million in fines last year from drivers caught on camera running red lights, lawmakers are considering two bills to do away with them. Senator Jeff Brandes (R), sponsor of one of the bills, says the cameras are a backdoor tax increase and an inappropriate source of state revenue.

Should the bills succeed, Florida would join seven other states that ban the cameras.

But the cameras also have many supporters. More than 500 communities use them, in part because evidence shows they reduce dangerous side-impact collisions (although some evidence shows they increase less severe rear-end collisions). Red light running killed more than 700 people in 2011 and injured an estimated 118,000. Proponents also point to polls and referenda which indicate the public favors them.

Some states have considered legislation that would restrict or limit the revenue red light cameras generate. A measure this year in Missouri would have required cities and towns that use red light and speed enforcement cameras to give the fines to local school districts for transportation. California enacted a law last year that prohibits a government agency from taking revenue into account when considering red light camera installation.

In a 2012 AAA survey, 92 percent of drivers said it is unacceptable to go through a red light if it is possible to stop safely, but 38 percent reported doing so in the past month. With so many admitted violations, proponents argue the cameras are necessary, while others question whether it is more about increasing revenue for communities.

—Anne Teigen

Stiffest Red-Light Fines

<table>
<thead>
<tr>
<th>State</th>
<th>Fines</th>
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<tbody>
<tr>
<td>Alabama</td>
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<tr>
<td>Arizona</td>
<td>$165</td>
</tr>
<tr>
<td>California</td>
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</tr>
<tr>
<td>Delaware</td>
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<tr>
<td>D.C.</td>
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<td>Florida</td>
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<td>Illinois</td>
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<td>Maryland</td>
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<tr>
<td>Oregon</td>
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<tr>
<td>Pennsylvania</td>
<td>$100</td>
</tr>
<tr>
<td>Washington</td>
<td>$250</td>
</tr>
</tbody>
</table>

Source: Governor’s Highway Safety Association, Insurance Institute for Highway Safety

300+ Languages spoken in America

21% Households that speak a language other than English

2/3 Proportion of second-language speakers whose primary language is Spanish

7 Languages (excluding English) spoken at home by at least 1 million people: Spanish, Chinese, Tagalog, Vietnamese, French, German and Korean

9 States where more than 25 percent of population speaks a language other than English at home

7% U.S. residents who do not speak English “at all”

10% Public schoolchildren who speak English as a second language

44% Californians who speak something other than English at home, the highest in the nation

Source: U.S. Census Bureau, American Community Survey, Language Use in the United States, 2011

*Margin of error is as high as +/-5,400
Stephen Klein, director of the Vermont Joint Fiscal Office, is this year’s recipient of the Steven D. Gold Award, which recognizes a person who has made a significant contribution to the field of state and local finance and intergovernmental relations.

Klein joined the staff of the Vermont Fiscal Office in 1992 and was appointed chief fiscal officer in 1993. The nonpartisan office of 12 full-time staff and three consultants provides fiscal analysis, budget evaluation, performance oversight and fiscal policy support for the General Assembly.

Working in state government has been a long-term interest of Klein’s and the focus of his graduate work. Back in the ’60s, unlike many of his peers during that tumultuous time, he felt government was critical for bringing about change.

Through his many years of professional and public service, Klein has earned the respect and admiration of his staff, members of the legislature, the community in which he lives and his colleagues from around the country. “Steve’s extensive experience and depth of knowledge is an invaluable asset to Vermont,” says Vermont Speaker Shap Smith (D). “He brings a level of energy, enthusiasm and creativity that is unusual in fiscal officers. I am proud to have Steve as a colleague and a friend.”

Klein’s staff describe him as an intelligent, fair, honest person with true compassion for others, a keen ability to find consensus and someone who is not afraid to laugh at himself.

“Nobody works harder for, or cares more deeply about, the Vermont General Assembly than Steve Klein,” says Nathan Lavery, a fiscal analyst. “Steve combines an appreciation for the role of the institution with an equally genuine appreciation for the individuals who make it unique. I am constantly impressed by Steve’s ability and willingness to meet the needs of legislators and staff alike. Steve has more than his share of enthusiasm, and he shares it freely.”

Klein has served as president of the National Association of Legislative Fiscal Offices, and on NCSL’s Executive Committee and the New England Public Policy Center’s Advisory Board at the Federal Reserve Bank of Boston. And in his spare time, when he’s not hiking, biking, canoeing or mentoring young people, he lectures at the Vermont Law School on the legislative budget process.

“I never cease to be amazed by how Steve can look at an issue, for just a few minutes, and come up with a creative solution that all parties feel comfortable with,” says Maria Belliveau, an associate fiscal officer in Vermont. “One testament to his ability to make staff feel valued is our extremely low turnover rate. No one ever leaves. Why would they want to risk working for someone else? Once you’ve worked for Steve, anyone else looks bad by comparison.”

When asked to name the most significant changes he’s seen over the past 20 years, Klein lists:

◆ The increase in the professionalization and independence of the staff.
◆ A greater emphasis on consensus forecasting between the legislature and the executive.
◆ The ability to produce more and work faster because of computers and the Internet.
◆ A growing challenge to maintain a credible nonpartisan role as the level of partisanship increases.

Before joining the Vermont Legislature, Klein directed the Environmental Investment Group and the Massachusetts Senate Post Audit and Oversight Bureau. He received his education at the University of California, Berkeley, the Massachusetts Institute of Technology, and Northeastern University.

The award is given annually by NCSL, the Association for Public Policy Analysis and Management, and the National Tax Association, in memory of Steve Gold, an active member of all three organizations, who had an exemplary career as an analyst of state and local fiscal issues. Before his death in 1996, he co-directed the Urban Institute’s New Federalism project, the Center for the Study of States at the Rockefeller Institute at State University of New York and Fiscal Studies at NCSL. He is remembered for his remarkable ability to span the interests of scholars, elected officials, practitioners, and policy advocates in an evenhanded, nonpartisan manner.

“When the legislature is faced with seemingly insoluble problems, you know that Steve and his staff will work tirelessly to present workable solutions.”

—SPEAKER OF THE HOUSE SHAP SMITH, VERMONT

“Once you’ve worked for Steve, anyone else looks bad by comparison.”

—MARIA BELLIVEAU, ASSOCIATE FISCAL OFFICER, VERMONT
1. **PRETENDER TO THE FLOWN?**

As sure as George Washington was our first president and Thomas Edison invented the light bulb, Wilbur and Orville Wright were No. 1 in flight. Or were they? A new name has emerged to challenge the Wrights as the fathers of flight, and three states are arguing over who’s correct. The Wrights are beloved sons of Ohio, their birthplace, and North Carolina, site of their famous flight. But a new Connecticut law says German-born aviator and Bridgeport, Conn., resident Gustave Whitehead made the first powered flight in 1901—two years before the Wrights. In October news conferences, Representative Rick Perales (R) of Ohio and Senator Bill Cook (R) of North Carolina told Connecticut to cool its jets on the first-flight claim. “Nowadays it seems like there are an awful lot of people who are trying to rewrite history,” Cook told the Associated Press. Connecticut Representative Larry Miller (R) countered with an email stating “over 100 contemporary published accounts ... and supporting photographs” prove their guy Gustave was the first aloft, on August 14, 1901.

2. **18—THE NEW 21?**

Utah has joined a handful of states debating whether to raise the smoking age to 21. In most states, a person must be 18 to buy tobacco, but in four states—Alabama, Alaska, New Jersey and Utah—the minimum age is 19. The goal is to stop smokers before they start. Studies show that if a person has not smoked by 21, it’s highly unlikely he ever will, says Senator Stuart Reid (R) of Utah, sponsor of the bill. New Jersey, New York and Texas are considering similar bills. Supporters say raising the smoking age would improve health and lower medical costs; opponents say it would hurt small businesses, reduce tax revenues and undermine the rights of 18-year-olds, who are legally adults and eligible for military service.

3. **NO CANDY ZONE**

Massachusetts Senate President Therese Murray (D) has asked senators to clear their desk drawers of candy. Apparently it’s been attracting mice, which not only help themselves to the candy, but also nibble on lawmakers’ microphone wires, and recently gnawed through $83,295 in electrical equipment. Mice are not uncommon in the Statehouse, which was built more than 200 years ago. Perhaps tabby cats (Felis familiaris)—designated Massachusetts’s Official Cat in 1988—could lend a paw.

4. **DUCK BILL**

Organizers of the Ducktona 500 in Sheboygan, Wis., were taken aback to learn their 25-year-old annual fundraiser might be illegal. The event, which attracts as many as 3,000 rubber ducks, operates like a raffle: participants buy tickets that match numbers on the ducks, which float down the Sheboygan River. The first across the finish line win cash prizes. This year, the Wisconsin Department of Justice told the Sheboygan Falls Chamber of Commerce-Main Street Organization the race amounts to illegal gambling. But just when it looked like the event was a dead duck, Representative Andre Jacque (R) floated a bill to legalize non-profit duck races, potentially averting a quackdown.

5. **HAZY ON DETAILS**

Seattle lawyers want clarification about recreational marijuana use—specifically, their own. Adult pot use is legal in Washington, but the federal government still deems it a crime. The lawyers asked the Washington State Supreme Court to confirm they aren’t violating ethics rules by using pot or counseling clients about the law, which went into effect Dec. 1, the American Bar Association Journal reports. Colorado and Washington voters opened a can of worms last year when they legalized personal pot use. Policymakers scrambled to address such tricky issues as whether a person has a right to fire up a joint in his back yard if his neighbor objects to the smell. No word if or when the Washington high court will clear the air in the Seattle lawyers’ case.
TALKIN’ TURKEY
The holidays are high season for turkey growers, when an estimated 32 percent of annual sales take place. Americans consume an average of 16.4 pounds of turkey per person per year—more than any other country.

Top Five Turkey Producers (birds per year)
1. Minnesota 47 million
2. North Carolina 32 million
3. Arkansas 31 million
4. Missouri 18 million
5. Virginia 18 million

DISTURBING CYBER TREND
“Revenge porn” sounds like a comic’s line, but the cyber trend is anything but funny. The term refers to the malicious posting of private sexual images or videos of someone on a website, typically by a jilted lover trying to punish his ex-girlfriend. Two states have banned the practice. In New Jersey, posting revenge porn is punishable by three to five years in prison and a $30,000 fine. In California, anyone who posts explicit photos “with the intent to cause serious emotional distress” faces six months in jail or a $1,000 fine. “Too many have had their lives upended because of an action of another who they trusted,” says bill sponsor Senator Anthony Cannella (R) of California.

BRAKE ON BIKES
A controversial Georgia bill would require bicycle owners to register their bikes, pay a $15 fee each year, and affix license plates. The bill limits groups to four cyclists in single-file formation. Under the measure, cyclists could be banned from state roads at certain times. Supporters say increased bicycle traffic on narrow mountain roads has made them dangerous, and that bicyclists will be more courteous and law-abiding if they can be identified via license plates. Many bicyclists complain the bill is government overreach. Sponsors are Representatives Emory Dunahoo (R) and Carl Rogers (R) and Senator Lee Hawkins (R).

“WARNING SHOT” LAW BLASTED
A Florida representative says a law making it a crime to brandish a gun or fire a warning shot is too harsh and should be exempt from the state’s mandatory minimum sentencing rules. Representative Neil Combee (R) has introduced a bill that would amend the law. Combee and co-sponsor Representative Katie Edwards (D) say the state’s mandatory minimum laws were meant for people committing crimes such as robbery, not for people trying to protect themselves. Combee says there are cases of Floridians serving 20-year prison terms because they pointed a gun at someone in situations where they felt threatened. Polk County Sheriff Grady Judd has said the mandatory minimum sentencing regulations have reduced crime and indicated the Florida Sheriff’s Association will likely oppose the new bill.

TOGETHER FUREVER
New Yorkers who want to be buried next to their pets are generally out of luck, as state law forbids human cemeteries from interring pet remains. But the rules governing pet cemeteries are less clear. The issue came to light in 2011, when the state barred a retired New York police officer from being laid to rest next his three Maltese dogs in the 117-year-old Hartsdale Pet Cemetery. A public outcry ensued, so the state reversed itself, but stipulated pet cemeteries could not charge for human burials. Assemblyman Thomas Abinanti (D) called the ruling government interference, and introduced a bill to remove the stipulation. Meanwhile, Assemblyman James Brennan’s (D) new bill would allow pets to be buried in human cemeteries, and cemetery vocalists soon may be brushing up on “Nearer My Dog to Thee.”
Americans lucky enough to be growing old in the 21st century are living longer than ever before. Thanks in part to advances in medicine, more Americans not only will reach retirement age, they’ll spend several years there. Those who live to age 65 can expect to live another 19 years, according to the U.S. Department of Health and Human Services’ Administration on Aging. That’s nearly five years longer than people who turned 65 in 1965, the year Congress created Medicare and Medicaid.

“The good news is that we’re living longer,” says Washington Representative Steve Tharinger (D), “but are we ready for the wave that’s coming?”

Compared to Japan and Europe, the U.S. population is relatively young. But our adolescent population is beginning to grow older — and rapidly.

Since 1900, the number of Americans 65 and older has swelled and will continue to do so as baby boomers age.

America Is Aging

Source: U.S. Census Bureau
Aging Costs

The average annual health care costs for Medicare enrollees increase with age.

Note: Costs include both out-of-pocket and insurance covered expenses and are inflation-adjusted to 2008.
Source: Center for Medicare and Medicaid Services, Medicare Current Beneficiary Survey.

country will be catching up soon as baby boomers—those born between 1946 and 1964—grow older. More than one in eight, about 41 million people, in the United States today are over age 65. By 2030, that number is expected to increase to 72 million, boosting the elderly population from 13 percent to 20 percent, according to the Administration on Aging.

The addition of 31 million seniors will strain the U.S. health care system as never before. A long life often comes at a cost, as the aches, pains and chronic afflictions of old age require more and more expensive care. Medicare and Medicaid will assume increasing responsibility for this growing population’s health—providing care for their complex, costly, chronic conditions and other long-term care needs. “I’m not sure that we’ve planned—as states, communities or individuals—especially for the financial part,” says Tharinger.

In 2012, the public cost of Medicaid and Medicare was at least $997 billion, according to the Centers for Medicare and Medicaid Services. By 2022, the total public cost of these programs is expected to reach $1.96 trillion. The federal government is primarily responsible for funding Medicare, to the tune of $580 billion in 2012. The cost of Medicaid, however, is shared by states and the federal government.

Faced with the health care needs of graying baby boomers, state lawmakers will be asked not only to ensure health care providers receive proper geriatric medical training, but also to support innovative ways of improving the quality of care for aging Americans at a lower cost. How best to prepare for this silver tsunami will be debated and decided in legislatures in the years to come.

Racially and Ethnically Diverse

America’s future elderly will be more racially and ethnically diverse than ever before. Today, 21 percent of Americans over age 65 are from racial or ethnic minorities, groups that historically have experienced poorer health than their white counterparts. By 2050, it is estimated they will comprise 42 percent of the elderly. As people age, differences in life expectancy rates among races disappear.

The health care industry and state and federal governments will need to become more adept at providing relevant care to diverse groups, which often hold different values and beliefs about aging and caring for the elderly. Addressing the need for more primary care doctors with cross-cultural training and language skills is critical. Hiring a more diverse health care workforce, expanding the use of community health workers, and supporting community- and family-based care also have helped bridge current cultural gaps in health care and may be useful with the incoming wave of aging boomers as well.

Lawmakers will continue to debate whether to offer loan repayments and other incentives to encourage providers to practice in underserved areas; how to support culturally competent health-care teams—such as those in community health centers; and the value of having cultural competency guidelines for health care providers.

Medical Home-Sweet-Home?

About 80 percent of the elderly have at least one chronic condition; around 69 percent have two or more. No wonder chronic conditions such as high blood pressure, heart disease, cancer,
It’s hard to discuss an aging America without mentioning Alzheimer’s disease, the fifth-leading killer of older Americans. It destroys brain cells and affects the memory, language, reasoning and behavior of more than 5 million older Americans every year. As baby boomers age, the incidence of Alzheimer’s is expected to nearly triple—to as high as 13.8 million by 2050—unless more effective prevention and treatment methods are found. That’s why at least 30 state legislatures have established a state plan or task force to address the disease. “We’re being proactive here in Connecticut,” says Representative Joseph Serra (D), co-chair of the state’s newly established Task Force on Alzheimer’s Disease and Dementia. “I believe we need to get a handle on it before it’s an even bigger problem. We’re going to need caregivers with expertise in this area.” According to the Alzheimer’s Association, more than 15 million friends and family members provide 17.5 billion hours of unpaid care for loved ones with the disease each year. “Our task force is looking into workforce education and training … preparing for what will happen in the not-so-distant future.”

A Killer of a Disease

The estimated direct costs of caring for Alzheimer’s patients will total $203 billion this year.

- Medicare $107 billion
- Medicaid $35 billion
- Out-of Pocket $34 billion
- Other $27 billion

Source: Alzheimer’s Association, Oct. 15, 2013

Medical homes typically involve partnerships among public payers, such as Medicaid or Medicare, private health plans, and community agencies. The model has achieved widespread support in states. As of mid-2013, 43 states used medical homes to provide services to certain high-cost Medicaid enrollees, such as those with congestive heart failure, diabetes or mental illness. Increasingly, states are developing pilot programs to implement medical homes for older adults with complex needs, such as those who are eligible for both Medicaid and Medicare. Many states also are adjusting financial incentives to reward health care providers who use a team-based approach or who offer care coordination services.

Switching to a medical home model can be costly initially and complicated for providers. Studies have shown, however, that medical homes can improve patient care and, in the long run, reduce costs. In North Carolina, a peer-reviewed study of a large medical home system for Medicaid beneficiaries (including the elderly) found cost savings of $63 to $190 per member per month between 2007 and 2011—totalling $184 million over that period. In addition, the study found that even as the program expanded to a sicker population, hospital admissions and emergency department use declined.

Long-Term Planning

In 2009, the life expectancy for a woman who reached 85 was seven more years, and for men nearly six. More than two-thirds of older Americans will eventually need some kind of long-term care, such as skilled nursing, yet neither basic private health insurance policies nor Medicare cover these services. Stand-alone private, long-term care insurance has been available since the 1980s but, according to the Congressional Research Service, only a little over 10 percent of Americans over age 55 purchase it. Nationwide, 41 percent of long-term care costs are paid through Medicaid, and it isn’t cheap.

In an effort to improve quality of life and contain costs, states are turning to models that rely on home- and community-based services, and managed care programs, rather than the traditional fee-for-service system, for long-term care.

“Helping seniors stay in their homes as long as possible, with assistance from state programs, is good for families and good for our state,” says Connecticut Representative Joseph Serra (D). This not only gives elderly Americans more choices in where they live and receive health care—but it nursing homes or their own homes (preferred by most) or something else—it can save money. In FY 2011, Connecticut’s Home Care Program for Elders saved the state $109 million in Medicaid costs by reducing the use of nursing homes. Many states have seen similar results. AARP reviewed evaluations of the cost-effectiveness of home- and community-based services in 25 states and found that allowing people to “age in place” instead of moving to a nursing facility helped slow the rate of spending growth.

At least 16 states currently provide long-term services through Medicaid managed care programs—networks of health care providers that receive a capitated (typically per member per month)
payment in exchange for providing health care services to a specific group of patients. States are increasingly using this model as a strategy to expand home- and community-based services, especially for high-needs (and high-cost) patients, such as those who are eligible for both Medicare and Medicaid. By 2014, 26 states are expected to offer long-term services and supports for Medicaid beneficiaries under a managed care model. According to the Center for Health Care Strategies, with careful oversight and proper incentives, managed care provides high-quality, patient-centered and cost-effective care.

Exploring various housing and care options is “crucial if we want to keep up with the growing aging population” says Texas Representative Elliott Naishtat (D). He chaired the Joint Legislative Committee on Aging, which took an in-depth look at innovative long-term alternatives during the last interim. Committee recommendations led the Legislature to increase the base Medicaid reimbursement rate for nursing home care—long among the lowest in the country according to Naishtat—and to encourage development of small-group nursing homes as an alternative to traditional skilled nursing facilities. These mini-nursing homes, limited to between 10 and 12 elderly people, provide personalized long-term care in a home-like setting.

“We wanted to look for ways to create a more efficient system that would reward performance and serve the aging population in the least restrictive environment,” he says. Also important was an environment that would promote seniors’ “quality of life and overall well-being.” Similar small-group nursing home initiatives are underway in 31 other states.

Workers Needed
Another need is to attract and retain high-quality personal care attendants. “In order to ensure that our aging population is receiving the best possible quality of care, the state must invest in the workforce that cares for residents on a daily basis,” says Naishtat. Based on the Joint Legislative Committee on Aging’s recommendations, the Legislature adopted a base wage increase for direct care workers earlier this year. Such workers have long been exempted from minimum wage and overtime requirements, but this is starting to change. Fifteen states extend state minimum wage and overtime protections to direct care workers and this September, the U.S. Department of Labor issued new rules.

About 9 million Americans qualify, or are “dually eligible,” for both Medicare and Medicaid. These beneficiaries are typically among the poorest and sickest covered by either program, and are among the most costly. Medicare typically covers acute and hospital care while Medicaid covers most long-term care services. They also account for a disproportionate share of spending. Under the Affordable Care Act, 15 states have received federal demonstration grants to develop innovative strategies to meet the complex needs of dually eligible enrollees at a lower cost. Many are integrating care through comprehensive coordination and long-term supports and services.

What is Dual Eligibility?

Future Growth in the Elderly Population

The estimated change in the proportion of elderly from 2010 to 2030 varies by state.

Source: U.S. Census Bureau

Note: Data are not available for Puerto Rico and U.S. Virgin Islands
Preparing for the End

Although medical technology has discovered many ways to lengthen life, it hasn’t yet defeated death. Lawmakers continue to look for the most appropriate, cost-effective ways to help constituents near the end of their lives. Beginning in the 1970s, that meant supporting people’s rights to choose whether they wanted life-extending treatments down the road. These “advanced directives,” for example, allow people to express their wishes on future care and to designate a representative who will speak for them if they can no longer speak for themselves. Such arrangements give doctors and family members some direction, but allow flexibility in reconsidering choices.

Forty state legislatures have passed laws that allow people to designate an official durable power of attorney for their future health-care decisions. Forty-four states have laws addressing in what exercise and how to die. They contend the government should stay out of personal decisions—and many state legislatures do.

When the decision comes to end any further disease-fighting or life-preserving care, palliative and hospice services can help. They offer comforting care, often at home, meeting “patients’ physical, psychological, emotional, social and spiritual needs—helping those near the end of life live comfortably,” says New Hampshire’s Reagan. Funded by a variety of payers, including nearly all state Medicaid programs, Medicare, private insurance plans and private payers, these end-of-life options are a growing choice for many.

Not many health care providers specialize in end-of-life care, and when they do, they often face complications when they apply for reimbursement from Medicaid and Medicare. Nevertheless, Reagan says the benefits are tremendous, and that’s why he co-sponsored legislation this year to study the issue further in New Hampshire. “Often, as soon as you transition a terminal patient to palliative care, and away from a ‘cure at any cost’ mentality, their quality of life improves, and they live longer,” he says. As a consumer-driven service, Reagan believes that as baby boomers learn about this option, they’ll be asking for it more often.

Wellness and Prevention

Some of the improvement to life spans can be attributed to changes in lifestyle. Americans are smoking less, exercising more and breathing cleaner air. On the other hand, Americans are eating more and growing fatter. Obese men, only a quarter of the elderly population in 1992, now comprise 42 percent. The changes in the older female population are similar—the proportion of obese women has increased from 27 percent to 45 percent. Extra weight is linked to various chronic conditions, many of which now top the list of causes of death among older Americans. Heart disease remains the leading cause of death, followed by cancer, chronic lower respiratory diseases, stroke, Alzheimer’s disease and diabetes.

Poor health and chronic disease are not an inevitable part of aging, however. Eating well and staying active can prevent some chronic health problems. But what role should government play in promoting healthy behavior?

Smoking bans, financial incentives to buy healthy local produce, development of walkable communities—all these and other policies have both pros and cons and upfront costs. Even the Silver Sneakers Fitness program to keep seniors active and social has a price tag. Some wince at the cost of these programs, arguing they are unlikely to make a difference and are a waste of money. Others decry a nanny state that tells them what to eat, how much to exercise and how to die. They contend the government should stay out of personal decisions—and many state legislatures do.

With state governments often left with the health care tab for citizens’ poor decisions, however, this debate will likely not only continue, but intensify. And with 10,000 baby boomers turning 65 every day, lawmakers have little choice but to try and prepare, somehow, for the changes that are coming. Spending time, money and effort now may pay off down the road as the silver wave of aging Americans swells.
It was a quiet election for state legislative seats with no surprises and only a couple of ballot measures worth noting.

BY MORGAN CULLEN AND WENDY UNDERHILL

Off-year elections tend to be quiet affairs, and this year was no exception. Only New Jersey and Virginia conducted scheduled legislative elections on Nov. 5, the fewest number to be held this decade. That’s because Louisiana and Mississippi—the other two off-year states—elect lawmakers in both houses to four-year terms. Their next elections won’t be until 2015.

In New Jersey, all 120 House and Senate seats were up for grabs along with the governor’s office but no big political surprises upset the balance of power in The Garden State. Democrats held on to their safe majorities in both chambers. Although Republican Governor Chris Christie’s popularity led him to a crushing victory over Democratic Senator Barbara Buono, his bipartisan appeal did little to help his fellow Republicans down ticket. After the last ballots were counted, Democrats continued to maintain a 24-16 majority in the Senate and lost only two seats in the Assembly, still maintaining a comfortable 12-seat majority.

In Virginia, only the 100 seats in the House of Delegates were up for election, and the results did nothing to upset the balance of power. Republicans added two seats to their already comfortable majority and now maintain a 34-seat advantage in the chamber.

There were no seats in the Virginia Senate up for election, but the current 20-20 tie could still change. The Senate has been under Republican control since the state’s Republican lieutenant governor casts the tie-breaking vote. Now that Democratic Senator Ralph Northam defeated Republican E.W. Jackson to become Virginia’s new lieutenant governor, that could change. Northam will have to vacate his current Senate seat prior to assuming his new office in January. In order to fill the seat, Governor-Elect Terry McAuliffe will have to hold a special election sometime next year.

Republican Senator Mark Obenshain and Democratic Senator Mark Herring faced off in another hotly contested race for the job of Virginia’s attorney general. The race was a virtual tie at press time, with a recount looking likely. The winner has to vacate his Senate seat before taking office, which offers both parties an opportunity to win a clear majority in the chamber.

There were also 16 special elections in eight other states to fill vacated seats. The one that received the most attention was Washington’s 26th Senate district where Senator Nathan Schlicher (D) ran against three-term Representative Jan Angel (R). The special election was the most expensive state Senate race ever. Washington is one of only three states that conducts elections entirely by mail so the final results were slow to come in.

The race was so close, in fact, that it took several days to declare Angel the winner. She captured about 1,500 more votes than did Schlicher and her victory will strengthen the Republican’s control of the chamber, controlled before the election by a majority coalition made up of 23 Republicans and two Democrats.

Bingo on the Ballot—and More

Voters in Colorado, Maine, New Jersey, New York, Texas and Washington had 31 statewide ballot measures to consider this year. That number is on par with other odd-year general elections. And voters approved 25 of them, which is also on par with other years.

Only three of the measures this year were initiated by citizens, a process allowed in 24 states. In the odd-year elections between 2001 to 2011, the number of these has varied from two to 17. This year, all three were voted down: Colorado’s tax increase to fund schools and Washington’s initiatives on labeling products and signature gathering for citizen initiatives.

51st State Must Wait

Voters in 11 rural Colorado counties were asked whether they should secede from the state. A majority in five counties favored forming a separate North Colorado, while the voters in the other six said “no thanks.”

The movement ramped up in the Centennial state over the summer after the state legislature passed firearm restrictions, oil and gas regulations, and renewable energy mandates. All are issues that many citizens in rural areas of the state don’t support.

This, however, is not the first time the idea of secession has come up. Other movements to partition a state have arisen recently in disaffected areas like eastern Washington, western Illinois, western Maryland, and Long Island, New York. Michael J. Trinklein, author of the book, “Lost States,” catalogues a history of proposals for separate states that includes Texlahoma (northern Texas and the Oklahoma Panhandle), Sylvania (Thomas Jefferson’s name for an area encompassing Michigan’s Upper Peninsula and parts of northern Wisconsin and Minnesota), Transylvania (Daniel Boone’s name for most of what is today Kentucky), Acadia (northern Maine), and Forgetonia (six counties in the western bulge of Illinois that feel politically ignored).
WASHINGTON’S product labeling proposal. Colorado’s pot tax plan was approved last year by voters to allow recreational or medicinal marijuana, which required the state to ask voters this year to approve a 15 percent excise (or wholesale) tax to fund school construction projects. Voters did, along with an additional 10 percent sales tax to go toward marijuana enforcement activities.

Washington’s proposal to label foods containing genetically modified organisms (GMOs) was rejected by 54 percent of the voters even though it attracted lots of attention—and money. Although Californians turned down a similar measure in 2012, this issue is by no means dead. The introduction of bills on the topic have increased dramatically in the last couple of years.

Washington voters also turned down, by a 63-38 margin, an initiative to make it easier to get a citizen initiative on the ballot by allowing more time to gather signatures and setting penalties for interfering with signature gatherers.

In Colorado, a constitutional amendment to increase taxes by $950 million to fund prekindergarten through 12th grade was approved by 57 percent of the voters, and will permit the state to authorize up to seven casinos. Supporters hope to lure more tourists into the state, creating jobs and generating tax revenues.

The closest any ballot measures came to being “hot-button issues” were Colorado’s tax on recreational marijuana and Washington’s product labeling proposal. Colorado’s pot tax plan passed with 65 percent of the votes. It was a follow-up to the measure approved last year by voters to allow recreational or medicinal marijuana. Opponents centered on the tax being too high; 80 percent of voters approved the measure, with 20 percent opposed, compared to the 58 percent who approved the measure in 2012.

Odd-Year Oddities

Only Louisiana, Mississippi, New Jersey and Virginia conduct state elections in odd-numbered years. Why? The reasons are more coincidental than calculated and have more to do with state constitutions than presidential politics.

When the Virginia General Assembly adopted a new constitution in 1851, the people—for the first time—got to elect the governor. And the state has been holding elections in the odd-numbered years ever since.

Mississippi, the Magnolia State, appears to have held odd-year elections since the 1830s, but little is known about why.

When Louisiana adopted its constitution in 1879, it conducted odd-year elections, but somewhere along the way that changed. According to Alfred “Butch” Speer, clerk of the Louisiana House, “Once we scrapped the partisan primary system [in 1975] we set the entire system up to run in the fall of the odd-numbered year, our traditional election season.” Why partisan primaries were dropped is another story.

Likewise, New Jersey adopted a new constitution in 1947, but only in the Garden State does there appear to be a political reason behind the decision to be “odd.” Then-Governor Alfred E. Driscoll testified before the constitutional convention that “the problems confronting the state are frequently distinct from those confronting the nation” and should not coincide with or be overshadowed by a national contest for the presidency.

—Karl Kurtz

Of the other 28 statewide ballot measures, most were referred to voters by state legislatures. Citizens said “yes” to 25 of them, approving bonds, water projects, higher minimum wages, reverse mortgages, casinos and even bingo.

In Maine, voters gave the thumbs-up to five bond measures. The largest will provide $100 million for transportation projects. The others will fund building projects at the state’s universities, community colleges, Army National Guard facilities, and Maritime Academy. These measures were all referred to the ballot by the Maine Legislature, a common practice in the Pine Tree State.

Texans supported all nine ballot measures they faced. Proposition 6, which passed with 73 percent of the votes, will create a fund from the state’s existing “rainy day” account to finance water projects. Voters also approved two measures directed at veterans. One will give tax breaks to disabled veterans and the other to widows and widowers of servicemen and women. Texans also said “yes” to allowing seniors to use reverse mortgages to buy new homes, joining the other 49 states that allow the practice.

New Jerseyites also liked what they saw on their ballot. Eighty-one percent voted to let veterans organizations use money from bingo and similar games to support their organizations. Sixty-one percent approved increasing the state’s minimum wage from $7.25 to $8.25. New Jersey will join 10 other states in indexing future increases to the minimum wage to the cost of living.

New Yorkers faced six measures, five passed. The highest profile one, Proposal 1, was approved by 57 percent of the voters, and will permit the state to authorize up to seven casinos. Supporters hope to lure more tourists into the state, creating jobs and generating tax revenues.

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In Colorado, a constitutional amendment to increase taxes by $950 million to fund prekindergarten through 12th grade was voted down by a 2-1 margin. It was by far the largest tax-related ballot measure in the nation. Opposition centered on the tax increase itself, and the proposed creation of a two-tiered income tax to replace the current flat tax.

And in New York, voters nixed increasing the retirement age for judges on the state’s Supreme Court and Court of Appeals from 70 to 80. Apparently, 80 isn’t the new 70 after all.

Even-year elections average more than 150 ballot measures. Stay-tuned, we’ll be ready in 2014.
James H. Johnson is the William R. Kenan Jr. distinguished professor of strategy and entrepreneurship and director of the Urban Investment Strategies Center at the University of North Carolina at Chapel Hill. His research has focused on community and economic development, the effects of demographic changes on the U.S. workplace, poverty and public policy in urban America, and workforce diversity. He has published more than 100 scholarly research articles and three research monographs and has co-edited scholarly journals. He is currently researching the economic and employment impact of white-collar job shifts offshore on U.S. competitiveness. He received his Ph.D. from Michigan State University, his master’s from the University of Wisconsin at Madison and his bachelor’s from North Carolina Central University.

SL: Why are we aging as a nation?

JOHNSON: One, we are living healthier lives, taking better care of ourselves. Eating better. Exercising more. Rebuilding communities with walking trails, jogging trails, biking trails to facilitate successful aging. Medical advances are increasing longevity. Another thing is that we are having fewer children. In fact the non-Hispanic white population has had below-replacement-level fertility for about 20 years. In a statistical sense, it takes 2.1 kids to replace yourself, but the non-Hispanic white rate has been at about 1.9 for about two decades. And a third piece that’s related to having fewer children is the growing role of women in the workforce. As more and more women get on a career path and in leadership roles in business, they defer marriage and they defer child bearing. And so there is a shrinking of the reproductive years. All of that together has reduced fertility rates and increased the aging of our population.

SL: What are the challenges of not having enough babies born to replace the current population?

JOHNSON: The average person turning 65 today is going to live another 18.7 years. They have already paid into the Social Security system and are getting money out of the system, but where does the money come from? It has to come from the younger population. A low fertility rate—absent immigration—can’t sustain society because you don’t have enough people who work every day. And then we get these debilitating diseases and early onset of death, leading to truncated productivity.

SL: What does “truncated productivity” mean?

JOHNSON: Truncated productivity means that some people are contracting debilitating diseases that lead to disability earlier in life than in previous generations, sometimes in their 20s, 30s and 40s, which limits their ability to contribute to the economy. Probably in most cases, they are dependent on the system because they are not able to work, or not able to work full time. Or they are at work, but not working at full capacity. And it is mostly related to lifestyle choices—not taking very good care of ourselves, causing obesity and diabetes and early death. We also have some serious mental health challenges that prevent people from working full time. So it’s a complex array of forces that together create a reduced propensity or ability to work.

SL: Is immigration a solution?

JOHNSON: I think we have to be immigrant friendly because this group represents an important new source of labor. They can work every day and pay into the system. Immigrants have high rates of entrepreneurship and small business development—all add value to society. I don’t see any other way for us to sustain our communities and our population without importing young talent and investing in that young talent, particularly investing in the kids of immigrants. You want them. I’d much rather they be well-educated with a skill set than here and uneducated without a skill set. It is the foremost enlightened self interest. The return on investing in their education over the long haul is far greater than the money put into educating them. We talk about the graying of America on the one hand and the browing of America on the other hand. We want to nurture and protect those who are graying and grow and invest in the browning population so that we can sustain the social safety net systems that we all need as we age.
SL: But aren’t there some advantages to having a smaller population?

JOHNSON: There is the environmental argument that a smaller population reduces adverse effects on the physical environment and natural resources and things that have a finite capacity. But if you don’t grow, you die. So we need to grow and we need really, really smart people to help us grow smartly. If you have a truncated, not very diverse gene pool, you don’t get the benefit of the most creative ideas of how to create a healthy, viable and sustainable planet. That’s why I’m supportive of immigration, which can add to a diverse gene pool to draw upon to deal with some of these seemingly intractable problems.

SL: What products and services will the growing elderly population create a new market for?

JOHNSON: Senior playgrounds will replace children’s playgrounds in the future. They are environments that enable aging in place. They are designed to keep seniors active and reduce their propensity to fall. They provide ways for them to work on their balance, their dexterity. Injuries and sometimes deaths from seniors falling is a $19-billion problem projected to grow to $55 billion by 2020. The more active seniors are, the better off they are. These fitness parks offer opportunities to stay active and grow old at home.

SL: What’s the most important thing for state legislators to know?

JOHNSON: That there are enormous opportunities in the aging of our population. Enormous opportunities for job creation. For business development. For community development. And for reducing caregiver stresses and strains. In other words, as opposed to looking at the glass as being half empty, it is really half full.

SL: So it’s an opportunity and not a problem?

JOHNSON: A real opportunity. Absolutely.
Research over the last 20 years confirms what most of us already know intuitively: Good teachers make a world of difference. A student who has exceptional teachers benefits significantly. Research also shows something that may surprise most of us: A student who has a series of ineffective teachers is unlikely to catch up academically—ever. Although factors outside of school, such as how safe the child feels in the community or how much stress there is within the family, continue to have the biggest influence on a student’s achievement, inside a school, the most significant factor is the teacher. The challenge for lawmakers is ensuring that teachers, who have such a huge effect on kids, are the best they can be.

That requires coming up with a valid, fair and reliable way to assess effective teaching. This has been a challenge—but we may be getting closer.

A Little History
Since 2009—when two studies caught the attention of lawmakers—teacher evaluations have been based more and more on their students’ achievement. The first study—an international comparison of student achievement in math, science and reading, called the Program for International Student Assessment (PISA)—showed American 15-year-olds trailing their peers in many developed nations. The other—The New Teacher Project’s The Widget Effect—found more than 99 percent of teachers studied were rated “satisfactory” or better.

Policymakers questioned how so many teachers could be receiving good evaluations yet be producing students who were falling behind the rest of the world academically. It became clear to them that there were problems in how teachers were being evaluated.

Formal evaluations were infrequent and yielded little information teachers could use to improve their classroom practices. In 2009, the New Teacher Project and some education experts started pushing hard for reform, arguing that if teachers are the key to improving student achievement, then evaluation systems must more accurately measure how teachers are contributing to students’ growth.

As state lawmakers were beginning to reassess their evaluation policies, the federal government provided incentives to encourage reform. The U.S. Department of Education offered Race to the Top grants to states looking (among other things) to reform teacher evaluations to include some measurement of their students’ learning. States seeking waivers from some of the requirements of the federal Elementary and Secondary Education Act (ESEA, also known as No Child Left Behind) also were required to consider student achievement in their teacher evaluation formulas.

The federal incentives pushed state and district policy onto the fast track, leaving many, including New Mexico Representative Mimi Stewart (D), wondering if changes were mov-
“Improving education shouldn’t be a race. Changes should be made based on the evidence of what works best.”

—NEW MEXICO REPRESENTATIVE MIMI STEWART (D)

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**Across the Nation**

Most states have made some kind of change to their teacher evaluation policies in recent years. Widespread changes, according to the Center for Public Education, include the following reforms.

- Forty-seven states require or recommend that teachers be included in designing new evaluation systems.
- Seventeen states give districts some flexibility in developing evaluations systems.
- Twenty-one states allow districts to develop their own systems with few restrictions.
- Forty-six states require or recommend that teacher evaluations include some measure of how the teacher influences students’ achievement.
- No state evaluates teachers on student test scores alone.
- Every state requires that classroom observations be part of the evaluation process.
- Thirty-three states require or recommend at least annual observations.
- Forty-one states require or recommend that evaluations consist of several measures of performance.
- Thirty-one states target professional development opportunities based on evaluations.
- Thirty-two states allow districts to dismiss teachers after several years of poor evaluations.


First to Jump In

Tennessee was one of the first states to reform the way it evaluates teachers. Lawmakers responded quickly to the federal initiative by passing legislation in 2010 they called the First to the Top Act. The legislature wanted to position the state well for the federal competition, and in July 2011, Tennessee became one of the first states to start using a teacher evaluation system based on student achievement. The state’s strategy worked. Tennessee was one of the first two states to win the competition.

“Our previous teacher evaluation system was pretty archaic because tenured teachers weren’t evaluated nearly enough—only twice in 10 years,” says Tennessee Representative John Forgety (R), a former educator and current vice chairman of the House Education Committee.

“This new system is an important step in the right direction because it gives us a better idea of teacher performance. But we need to continue to make tweaks along the way, which we did this year, to make sure we’re on the right track,” he says.

The Tennessee act requires student achievement to account for 50 percent of teachers’ evaluations—35 percent from student scores on the Tennessee Value-Added Assessment System and 15 percent from additional measures of student achievement as determined by the state Board of Education. The other 50 percent is based on teacher observations, personal conferences and review of previous evaluations and work.

Similarly, in Colorado, Denver Public Schools began piloting a new evaluation system three years ago in response to state legislation passed in 2010. The law requires annual evaluations of teachers and principals based at least 50 percent on the academic growth of their students, along with peer observations and student surveys.

Sara Collyar, a former teacher, assistant principal and math “coach” for struggling teachers, is now in her second year as a peer observer in Denver. She’s convinced the new assessments are “very accurate at identifying what good teaching looks and sounds like.”

When observing, she notes whether the teacher has planned the lesson well, encourages student input and assigns rigorous
was settled long ago: the effectiveness of a teacher clearly
knows what she wants students to learn and how they will show her they understand. But I also look to see if students understand how what they are learning relates to the real world, a bigger picture of how it fits into context.

“I want to see students talking to and questioning each other, explaining their thinking. I want to see the teacher supporting those discussions with appropriate questions to get students unstuck or to take their learning further. If the teacher is lecturing, I want to see students with time to process, talk and question.”

Collyar then scores the teachers within a set framework that identifies the teachers in one of four ways: “not meeting,” “approaching,” “effective” or “distinguished.”

Research Catches Up
Researchers have been playing catch-up with all the new state policies being passed, and shedding light on what makes a sound evaluation system. The most important factor in developing a system is recognizing the complexity of teaching so that it will be trusted by educators, principals, parents and the public. For the past three years, the Measures of Effective Teaching (MET) project—a partnership among academics, teachers and education organizations that is funded by the Bill and Melinda Gates Foundation—has been investigating reliable ways to develop and identify effective teaching.

This January, the MET research team confirmed what many state legislators assumed was settled long ago: the effectiveness of a teacher can, indeed, be measured. Through well-designed student perception surveys and careful evaluations by highly trained observers, researchers can reliably identify groups of teachers who are better at helping students learn. Student surveys, for example, may ask whether they feel the teacher makes sure they understand material before moving on.

With the use of carefully designed instruments, the MET research team recommends that current and previous years’ students’ test scores count for at least a third, but no more than half, of a teacher’s total evaluation, with classroom observations and student surveys completing the rest of the assessment. MET researchers also verified that adding a second trained observer, such as a principal or an outside observer, increases the reliability significantly more than having the same person score several lessons of the same teacher.

Not Everyone’s on Board
Disagreement and debate continue over the MET group’s conclusions, about whether evaluations that rely heavily on test scores give enough weight to the numerous intangible attributes a teacher brings to the classroom. The issue is of even more concern when tenure is tied to the evaluation.

Representative Stewart is concerned that the evaluation process fails to take into account poverty rates and the number of second-language learners, which in New Mexico are both high. These students “tend to need a bit longer in school before they perform at grade level,” she says. She fears the new teacher evaluation system “appears poised to undermine the great work our teachers do in their classrooms.”

Indeed, teachers’ unions voice concerns that basing evaluations on student performance is risky. This may be especially true in the 46 states and four territories adopting the new, more rigorous content standards involved with the Common Core initiative. Its standards are designed “to be robust and relevant to the real world, reflecting the knowledge and skills that our young people need for success in college and careers,” according to the program’s mission statement. During the transition period, some students might score lower on these more challenging tests. How should a teacher then be evaluated? And what about the many educators who teach subjects for which there are no standardized tests given—such as art, music, PE or technology?

In April, Randi Weingarten, president of the American Federation of Teachers, called for a moratorium on full implementation of high-stakes evaluations or “assessment-driven sanctions tied to Common Core State Standards” until “solid implementation plans are embedded in schools” and evaluation systems are tested for a year or more. She argues that teachers should not be held accountable for student achievement until states have had enough time to establish the rigorous standards and new assessments.

In light of these concerns, Secretary of Education Arne Duncan announced in early June that the Department of Education would move back the timeline for the states receiving ESEA waivers. States would have until the 2016-2017 school year to overcome challenges.

Supporters of the new evaluations contend significant advances have addressed many of these early concerns. Evaluations in many states are based on several measures of student performance, not just statewide standardized tests. And in most states, districts can use approved alternatives to evaluate educators who teach subjects without standardized tests.

The SAS Institute, which develops software systems for states to use for these kinds of teacher evaluations, urges states and districts to look at three years or more of student test scores when evaluating a teacher. “Although it may be difficult to measure the progress students are making,” says Nadja Young, an education specialist in State and Local Government Practice at the SAS Institute, “sophisticated models now exist that are being used in the states that successfully measure students’ academic growth and the teacher’s role in it.”
Keys to Success

Strong outreach and effective communication are essential in conveying the value and validity of the new evaluations to teachers and the public. It is important to include teachers and principals in developing the new evaluation system, to have an ongoing dialog among the state and local school districts, and to invite the public’s input.

“Getting teachers on board is a major challenge for states,” says Ellen Behrstock Sherratt of the American Institutes of Research. “Teachers who haven’t been authentically consulted from the beginning aren’t going to want to hop on a bandwagon. But it’s never too late to bring teachers into the conversation through focus groups or task force membership.”

Sherratt and her colleagues direct a program called “Everyone at the Table,” which provides materials and assistance to states and districts to involve teachers in the conversation. She points to Washington state as a good example of how to do it right. Officials there conducted focus groups at regional educator forums, supported local discussions with the public, and regularly convened a workgroup to talk about new policies with teachers and get their views on what was working well and what needed improvement.

Collyar says Denver, too, has invited collaboration among teachers, administrators and the union throughout the process. Feedback has been “encouraged, welcomed and acted upon each year,” she says.

Ample time and funding to establish an evaluation program also are critical to success. States that did not receive Race to the Top funds have struggled to ensure that their state and local education agencies have the staff and funding needed to successfully adopt the new systems.

This new area of work is complex and evolving. States and districts might want to consider starting with a pilot project—proceeding first with locally developed and initiated programs, then making any necessary adjustments before going full scale.

For states already moving forward with this effort, consistent review and analysis are important to determine if programs are leading to better teaching and, ultimately, to improved student learning.

After all, that’s why most teachers enter the profession—to make a world of difference in their students’ lives. Maybe that’s why Collyar has found most teachers welcome her observations and critiques. “They appreciate an honest evaluation, and most are eager to improve.” That should earn an “A” for effort, at least.
Some jobs, businesses and even entire government agencies go unnoticed until they’re not there—or until they’re shut down. Our nation’s massive public health system is a case in point.

From the U.S. Centers for Disease Control and Prevention (CDC) to tiny county health departments, local, state and federal health agencies often are behind the scenes looking after the nation’s health and safety. By responding to disasters, vaccinating millions against diseases, and teaching the public how to avoid illness and injuries, public health agencies ensure the safety of everything from fresh produce to public places, and promote wellness from the workplace to the school yard.

Yet few Americans realize just how expansive their efforts are. But that changed a bit in October. When the federal government shut down, parts of the massive public health system did as well. And people noticed. Headlines reported an outbreak of salmonella in chicken that sickened more than 330 people, sending 40 percent of them to hospitals in 20 states and Puerto Rico. The CDC had to halt its influenza surveillance just as the flu season began.

These examples serve as reminders of the many public health services, programs and policies that exist in our communities—what the CDC calls the “public health infrastructure”—and help to shine the light on current efforts to increase the efficiency of this massive infrastructure and to integrate more prevention efforts into the nation’s overall health system.

A State Role

State legislatures have been working to improve the health of their communities for years, supporting public health agencies by setting policies and providing funding in a variety of areas. In Utah, for example, legislators have taken several steps, big and small, to promote health and prevent disease. Before the federal health reform bill passed, the state had established its own health insurance marketplace to help consumers purchase affordable private coverage. And in other ways the state has sought to prevent illness by passing legislation like this year’s ban on smoking in cars when children are present, joining the five other states and Puerto Rico that have similar bans. The state’s health department is on board too, with its mission statement to “protect the public’s health by preventing avoidable illness, injury, disability and premature death; assuring access to affordable, quality health care; and promoting healthy lifestyles.”

“Ay entity that helps improve preventive care is beneficial to health and society,” says Utah Representative Jim Dunnigan (R). “Prevention not only keeps people’s small health problems from becoming health catastrophes, it saves health costs.”

In Minnesota, lawmakers adopted a statewide health improvement plan in 2008 that awarded two-year grants to every county and tribal government for disease-prevention efforts. “This is aimed at keeping people from getting these chronic diseases,” says Representative Thomas Huntley (DFL), one of the law’s architects. “If they don’t smoke, and they watch what they eat and stay active, people are less likely to get heart disease or diabetes in the first place.”

Other examples of legislative efforts abound.

◆ At least 26 states protect nonsmokers from secondhand smoke in indoor public places.

◆ Six states and one territory ban smoking in cars when children are present.

◆ All 50 states have laws that require specific vaccinations, such as whooping cough, measles, mumps and rubella for children.

Amy Winterfeld covers public health issues as a program director for NCSL.
entering public schools.

- Forty-five states and two territories protect women who breastfeed in public.
- All states screen newborns for certain conditions.
- Eighteen states and the District of Columbia have requirements on reporting foodborne illnesses.
- Nineteen states inspect restaurants for food safety.
- At least 45 states prohibit minors from getting tattoos.
- Thirty-eight states require parental permission for minors to get body piercings.
- Seventeen states limit access to tanning salons by teenagers.

**A Health Metamorphosis**

Coordinating all the many public health services and integrating them into the entire health care system won’t be easy. It involves moving from a system that focuses primarily on treating the sick to one that encompasses a full spectrum of services to prevent illnesses and injuries, mitigate their severity, and even reverse the effects of diseases. For the states that have already made some progress at improving efficiency within public health programs, the shift will be easier, however.

For several years Kansas has promoted regional collaboration among certain public health facilities, such as laboratories that are expensive to fund locally, while retaining local delivery of services that consumers can more easily access near home, such as flu shots.

In 2008, Massachusetts lawmakers passed a bill requiring more efficient regional cooperation among local health departments. And this year, 14 states—with grants from the privately funded Center for Sharing Public Health Services—have been exploring ways to deliver public health services more efficiently across local health departments.

To improve efficiency, public health agencies are educating health care providers, hospitals and insurers in communities about the wealth of information they have to share on disease outbreaks and the prevalence of preventable chronic diseases such as heart disease and diabetes. While doctors, nurses and hospitals treat one patient at a time, public health workers promote good health for entire communities, states and the population as a whole. These different focuses complement each other.

Public health agencies are also making a stronger effort to share services they already perform—such as health laboratory facilities, immunizations, food safety inspections, and scientific expertise to prevent and fight health problems. Local health departments pool resources to pay for services such as public health laboratories for efficiency and cost savings, while retaining local control for services such as immunizations.

The new, nonprofit Public Health Accreditation Board is also busy accrediting state public health agencies to ensure service quality, emergency readiness and public safety, just as hospitals are accredited by the Joint Commission for safety and quality, and doctors must be licensed to practice. As of August, the board had accredited 19 agencies in 11 states.

**An Unhealthy Price to Pay**

Despite long-term gains in public health, the challenges ahead are huge. Americans spend more per capita on health care than any other nation, yet remain less healthy than many. Americans, even those who are “highly advantaged,” according to a 2013 report from the National Academy of Sciences, “live shorter lives and experience more injuries and illnesses than people in other high-income countries.” In other words, there is a disconnect between money spent on health care and quality of health.

That’s where public health agencies come into play. Through their efforts to prevent illnesses and injuries, they hope to improve Americans’ health, all while lowering costs. It’s a big undertaking to say the least. But look how far they’ve come.

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**TOP 10 Public Health Achievements**

- Development of vaccinations
- Safer workplaces
- Safer food
- Safer motor vehicles
- Control of infectious diseases
- Decline in deaths from coronary heart disease
- Variety of family planning options
- Recognition of tobacco as a health hazard
- Healthier mothers and babies
- Fluoridation of drinking water

*Source: Centers for Disease Control and Prevention, 2013*
Preventable Deaths on the Rise

Growing numbers of overdoses, suicides and brain injuries have lawmakers searching for solutions.

By Hollie Hendrikson

Sharp increases in the number of suicides, prescription drug overdoses and traumatic brain injuries in recent years have caught lawmakers’ attention. In fact, traumatic injuries and violence kill more Americans under age 45 than do cancer, heart disease, hypertension and influenza combined, Centers for Disease Control and Prevention data indicate. Prescription drug overdoses, brain injuries and suicides are “certainly three of our key priorities right now,” says Pam Sagness, substance abuse administrator with the North Dakota Department of Human Services.

Adds Senator Ted Lieu (D) of California: “Opioid abuse is now an epidemic in this country—that’s the label the CDC gives it. More Americans now die from prescription drug overdoses than they do from heroin and cocaine combined.”

Lieu is joined by legislators around the nation investigating and trying a number of programs to control these growing public health concerns.

Prescription Painkillers

Deaths from prescription drugs have reached epidemic levels in the past decade. According to the CDC, 105 Americans die from prescription drugs overdoses, mainly painkillers such as oxycodone (Vicodin) and hydrocodone (OxyContin). That’s more than 38,000 deaths annually—up more than threefold since 1990.

In 2010, enough painkillers were prescribed to medicate every American adult for a month. The same year, about 12 million Americans (age 12 or older) reported using prescription painkillers without a medical reason.

Almost all drugs involved in overdoses originally come from legitimate prescriptions, but many make their way to addicts and others seeking the drugs’ euphoric effects. Over time, an abuser may need to take larger doses to get the same high and to reduce withdrawal symptoms. But the danger increases with the size of the dose. Larger doses can slow breathing and ultimately stop it, resulting in death.

This year, lawmakers in 22 states passed at least 30 laws aimed at preventing prescription drug abuse and overdose, many of which beefed up prescription drug monitoring programs. Others established regulations for pain management clinics.

Promising policy options that have not yet been proven effective to prevent overdose deaths, but are accepted by the scientific community as a good step toward prevention, include:

◆ Maintaining and strengthening prescription drug monitoring programs by ensuring providers have real-time access to data, and providing unsolicited reports to prescribers, pharmacists,
licensing boards and law enforcement agencies.
◆ Ensuring that providers follow evidence-based guidelines for safe and effective use of prescription painkillers.
◆ Setting regulations to prevent pain management clinics from prescribing inappropriately.
◆ Monitoring prescription claims information in state benefits programs such as Medicaid or workers’ compensation for signs of inappropriate prescribing and use of controlled prescription drugs.

**Traumatic Brain Injuries**

Traumatic brain injuries—alone or in combination with other injuries—resulted in 2.4 million emergency department visits, hospitalizations and deaths in 2009, according to the CDC. (The numbers do not include brain injuries sustained by military members.)

In 2010, the CDC estimates that the direct and indirect medical costs of traumatic brain injuries reached $76.5 billion.

The most common causes of brain injuries are falls (35.2 percent), car accidents (17.3 percent), collisions with objects—common while playing sports (16.5 percent)—and assaults (10 percent).

In 2012, 12 state legislatures passed laws on sports-related concussions in youth. And at least three states passed laws addressing other aspects of traumatic brain injuries.

Legislation and prevention strategies include:
◆ “Return-to-play” laws, such as Ohio’s, which bans athletes from returning to play on the same day they’ve been removed because of a traumatic brain injury and prohibits coaches from allowing students to return to practice or competition without a doctor’s approval, among other measures;
◆ Policies to help prevent traffic crashes and child or adult falls—both major causes of traumatic brain injuries;
◆ Rehabilitation programs for brain injury survivors, including military veterans;
◆ Guidelines for emergency personnel when they transport patients with a suspected traumatic brain injuries.

**Suicide**

Every 15 minutes an individual dies by suicide in the United States, according to the CDC. In 2010, more than 38,000 people took their own lives, making suicide the 10th leading cause of death for all ages, the second leading cause of death for adults ages 20 to 29, and the third leading cause for those ages 15 to 24. Another 1 million adults attempt suicide each year.

Nine state legislatures enacted 10 suicide prevention laws in 2012, many that:
◆ Encourage schools and communities to support people seeking help, promote tolerance, decrease stigma, and teach positive life and coping skills;
◆ Require suicide prevention training for teachers;
◆ Evaluate existing suicide prevention programs.

The statistics paint a grim picture, but the news is not all bad. Lawmakers and other officials in many states are actively seeking effective ways to prevent suicides, overdoses and traumatic brain injuries.

For more information on these public health concerns, go to www.ncsl.org/magazine.
BY TODD HAGGERTY

Failure to enact a budget, at all levels of government, can have wide-ranging consequences, as the October debacle in Washington, D.C., illustrated. Congress’ paralysis triggered a 16-day federal government shutdown, resulting in hundreds of thousands of furloughs, closures, program suspensions, market jitters and an estimated $24 billion hit to the economy.

Timely budgets are the foundation for any government’s future decisions; without them, governments have no legal authority to spend. Still, passing a budget can be an overwhelming challenge in times of fiscal and political stress, and state legislatures are not immune. Many state governments have faced shutdowns over the years, and several have passed measures to remedy the problem.

In the event of a budget lapse, state action usually consists of passing a temporary appropriations bill or provisions to ensure government operations continue. If lawmakers are at an impasse and cannot pass a temporary budget by the start of a new fiscal year, however, state governments may experience an automatic shutdown. Most often, this involves furloughing state employees deemed “nonessential” to maintaining the public’s safety and health, in addition to closing a variety of state operations, such as state parks, departments of motor vehicles and highway construction projects.

Essential state employees, usually those involved with departments and agencies that directly deal with critical human services, safety and property protection, tend to be exempted from mandated furloughs.

The Problem

Not surprisingly, state government shutdowns and the inconveniences they bring are not welcomed by the public and lower people’s opinion of state government. So why do budget stale-
mates and shutdowns occur in the first place? There are a number of variables, but the most common are dollars and deadlines. Extreme (either way) fiscal conditions and specific legislative rules and procedures are most often the culprits.

As lawmakers crafted their fiscal year 2010 budgets, weak tax revenues contributed to a combined state budget gap in excess of $145 billion. This lack of money added to the difficulty lawmakers in Arizona, California, Connecticut, Illinois, Michigan, Mississippi, North Carolina, Ohio and Pennsylvania had finalizing their budgets before the start of the new fiscal year. Of these, only Michigan’s impasse, however, resulted in a partial government shutdown. The other states were able to avoid closures because they passed temporary budgets or had provisions that ensured continuous government operation.

On the flip side, exceptionally healthy state finances can also intensify the battles over budget priorities. During the late 1990s, prolonged debate over what to do with unexpected surpluses resulted in more than the usual late budgets. Legislative rules also play a role. States without limits on the length of their legislative sessions are particularly prone to budgetary tardiness. In 1991, for example, eight of the 11 states with late budgets had no limits on session length, as did five of the eight states with late budgets in FY 2004.

Other factors include whether late budgeting has been common in the state’s history, if nonfiscal issues are allowed in the budget bill, and how much time is allocated for deliberation. All these variables have caused late state budgets and partial government shutdowns.

New York’s fiscal year begins on April 1, the earliest of any state, and is often cited as being culpable for the state’s frequent late budgets. The fiscal year begins on July 1 in 46 states and the territories of Guam, the Northern Mariana Islands and Puerto Rico; it starts Sept. 1 in Texas and Oct. 1 in Alabama, Michigan, the District of Columbia, Samoa and the U.S. Virgin Islands.

**Lessons Learned?**

Since 2002, more than 20 states and territories have started a fiscal year without a finalized budget; in at least five of the states and in Puerto Rico, the lack of a budget resulted in a government shutdown.

Minnesotans experienced the most recent partial state government shutdown. For 20 days in 2011, 19,000 state workers were temporarily laid off. The shutdown closed state parks and two state-owned race tracks during the busy July tourist season, suspended driving exams and shuttered the state lottery. The Minnesota Office of Management and Budget estimated the state lost $49.7 million in revenues and spent nearly $10 million preparing

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**Costs Hard to Count**

Various consequences are associated with late budgets and state government shutdowns. Extending the regular legislative session or calling a special session increases operational costs. Furloughing state employees results in lost wages, which decreases their income and spending that, in turn, lowers their state income and sales taxes. Furloughed workers may also choose to sue the state because of lost compensation.

Without the details contained in appropriation bills, state agencies and local governments, including school districts, are unable to set their own budgets. This limits their ability to plan, hire and honor their contracts, adding to the overall costs of government operations.

Consistently failing to pass a budget on time can lower a state’s credit rating, which may increase the interest rates they obtain on loans, resulting in higher costs for the state. Former New York Comptroller H. Carl McCall says a history of late budgets in New York contributed to the state’s poor credit ratings. A 1997 study by the New York comptroller’s office found that a credit upgrade of one rating would have saved the state an estimated $158 million.

On top of the measurable, direct expenses caused by shutdowns, states may also end up paying indeterminable costs in terms of decline in public confidence in elected officials and damage to the state’s image. Just look at Congress.
for and recovering from the shutdown.

Michigan has faced two partial shutdowns, in 2007 and 2009. In 2007 it lasted only four hours—from midnight until 4 a.m. on Oct. 1, when the governor and legislators reached a temporary funding deal. But even four hours can have an impact. Campers had to pack up and leave state parks the night before. Fewer state police patrolled the highways. Highway rest stops were barricaded, drawbridges closed and traffic cameras turned off. And some 35,000 workers (66 percent of the state workforce) lost four hours of pay. In 2009, Michigan again technically shut down for two hours as lawmakers worked on a temporary spending plan, although there was no interruption of state services.

New Jersey, after avoiding shutdowns despite missing budget deadlines in three of the previous five years, finally succumbed to a partial shutdown in 2006. Some 45,000 nonessential employees were placed on unpaid leave for eight days until the governor signed the budget bill. One of the more dramatic results of the shutdown was the three-day closing of Atlantic City’s casinos—the first time since they opened in 1978—since casino inspectors, required by law to be present in casinos, were among the furloughed state workers. Officials reported those three days cost the state almost $4 million in lost gambling tax revenue.

And in Pennsylvania, a one-day furlough of nearly 24,000 state employees in FY 2008 may have saved the state an estimated $3.5 million in lost wages but cost the state an unknown amount in lower income and sales taxes.

Avoiding a Shutdown

To avoid late budgets and potential shutdowns, a number of states have adopted measures encouraging timely passage of their budgets. Lawmakers in Maryland and West Virginia, for example, risk having other legislation pushed aside if the budget is not passed by the deadline. Other states increase the votes required to pass the budget if the original deadline is missed. In Illinois, if lawmakers don’t make the June 1 deadline, the necessary votes in each house increase from a simple majority to a three-fifths majority. If Maine’s budget is not passed by April 1, the Legislature must pass it as an emergency act, requiring a two-thirds majority. Nebraska similarly requires approval by two-thirds of the Legislature for any budget enacted after the March 31 deadline.

Lawmakers in a few states can pay a personal price for tardy budgets. Washington lawmakers can be charged with a criminal misdemeanor for failing to pass the budget 30 days before the start of a new biennium. Although the Legislature has been late four times since the provision was enacted in 1959, the penalty has never been applied.

In California, New York and Guam, legislators’ pay can be suspended when the budget is overdue. This was most recently put to the test in California in 2011. After the state controller calculated that the new budget was not balanced, he docked legislators’ pay, even though they passed a budget on time. Ultimately, a trial judge ruled the controller’s decision was “an unwarranted intrusion into the Legislature’s budget deliberations,” but an appeal is pending.

Despite these incentives to pass state budgets on time, fiscal conditions are much more likely to influence the process than are punitive measures on lawmakers.

Considering the complexity, magnitude and sheer number of state budgets, it’s notable that late ones—and especially state government shutdowns—are rare. State lawmakers, routinely faced with difficult revenue and spending decisions, pass budgets on time more often than not.
“Three years ago, these red-light cameras were pitched as safety devices. Instead, they’ve been a backdoor tax increase.”
—Senator Jeff Brandes (R) of Florida, which collected more than $100 million last year from drivers caught on camera running red lights, as reported in USA Today. Brandes has proposed a state ban on the cameras.

“If we are not graduating all of our students, we are setting ourselves up for some serious economic problems down the road.”
—Senator Sonia Chang-Diaz (D) of Massachusetts, as reported by Stateline Daily News Service. Chang-Diaz is sponsoring a bill to raise the dropout age from 16 to 18.

“Everyone wants good roads and bridges. No one wants to pay for it.”
—South Dakota Senator Mike Vehle (R), after 127 bridges, most of them owned by counties and townships, were found structurally deficient, as reported in the Sioux Falls Business Journal.

“One of the worst evils a government can perpetrate is to wrongfully convict an innocent person. Unfortunately, false confessions are a significant—and sometimes the only—contributor to many wrongful convictions.”
—California Senator Ted Lieu (D), whose bill mandating that police videotape interrogations of underage suspects in homicide cases was enacted in October, as reported by the Los Angeles Times.

“Nixa Schools failure. HS students working elementary school book fair in gay t-shirts.”
—Tweet by Missouri Representative Kevin Elmer (R), who saw two students wearing Nixa High School Gay-Straight Alliance T-shirts at his third-grader’s school. “I just think it’s inappropriate to be promoting any sexual relationship in an elementary school, whether it’s heterosexual or homosexual,” he told the Kansas City Star.

“(Legislators) are limited in their public service as it relates to that particular body, but that doesn’t mean they don’t have the heart to serve.”
—Senator Sharon Weston Broome (D) of Louisiana, as reported by the New Orleans Times-Picayune. Broome, among 23 state legislators facing term limits in 2016, plans to run for mayor of Baton Rouge.

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