What's Hot for 2015

- Transportation
- Financing
- E-Cigarette Revenue
- Mental Health Initiatives
Is your state home to ONE OF THE LARGEST ECONOMIC DEVELOPMENT projects in the country?

MARK VERBECK
NUCLEAR OPERATIONS TRAINING MANAGER, GEORGIA POWER

I’m one of 5,000 workers building the future of nuclear energy in Georgia.

America’s nuclear energy industry employs 100,000 workers and is growing with renewed global potential. Five new reactors in Georgia, South Carolina and Tennessee have created tens of thousands of well-paying jobs. When finished, these facilities will provide affordable electricity and boost the economy for decades.

Global projects also are creating thousands of American jobs. Worldwide, 71 nuclear power plants are being built and more than 170 reactors are in the planning stage. This means more demand for U.S. nuclear energy expertise and components for the $740 billion global market over the next 10 years.

We are working to keep nuclear energy an important part of America’s energy future.

Get the facts at nei.org/jobs #futureofenergy

nuclear clean air energy.
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State Net Capitol Journal: “The voters may deserve more credit for independent thinking than they are usually given.” —NCSL’s Wendy Underhill, on the variety of results ballot measures received last fall.

Boise State Public Radio: “Some say there needs to be a period of time to break the connection between working or voting on policy issues and then lobbying on the issues. Others say those who go right into lobbying do so because they’re credible, they know the process, they know the topic and they’re good communicators.” —NCSL Ethics Center’s Natalie O’Donnell Wood explaining the differing views on requiring a “cooling off” period before former lawmakers become lobbyists.

The News Tribune: “There are so many factors that go into the reduction of violence.” —NCSL’s Jonathan Griffin on the lack of independent research on the relationship between gun violence and gun laws.

28,000+
Laws passed by state legislatures in 2014

48
Legislatures convening 2015 sessions this month, including the five territories and Washington, D.C.

33,000
Staff employed by state legislatures nationwide

11
States that do not limit the length of the regular session

8
Legislatures that meet year-round, including Guam and the U.S. Virgin Islands

Armed with diplomas and new ideas for tackling energy issues, graduates from 12 states and three Canadian provinces celebrate successfully completing NCSL’s Legislative Energy Horizons Institute. The program brings state and provincial legislators together for an invitational immersion course in energy policy.

Fresh from a meeting with U.S. Representative Paul Ryan (R), who they pushed for the Marketplace Fairness Act, Arkansas Representatives Kelley Linck (R), far left, and Dan Douglas (R), along with South Dakota Senator Deb Peters (R), discuss strategy. They were among the 15 legislators who met with nearly 60 members of Congress during a lobby day in November hosted by NCSL.
Welcome all new and returning members elected to serve in our state legislatures. The decisions you make in the next two years will affect the daily lives of your constituents far more than those made by your colleagues in Congress. As you convene in capitols across the country and begin the difficult work of solving some of the nation’s biggest challenges, NCSL is here to help. From education and energy to transportation and taxes, we have thorough, unbiased and comprehensive information to help you navigate complex policy issues.

Ironically, during the recent midterm elections, we read and heard the least about the people who matter the most: you, the country’s 7,383 state legislators and your staffs. Yet the hard work you will be tackling in 99 chambers across our great country has far-reaching consequences. State legislatures decide how to fund road repairs, which crimes send offenders to prison, how teachers are evaluated, what the minimum wage should be, how to spur job growth, who must get a background check before buying a gun, how to ensure clean drinking water, how to protect people from identity theft. The list goes on.

Americans have made it clear: They want action, not impasse, from their government. And state legislatures, the laboratories of democracy, deliver. You respond first to new issues and emerging concerns. You seek real solutions to difficult problems. You reach across the aisle to find common ground. You negotiate and compromise to get things done. You innovate.

In spite of all the noise surrounding the 114th Congress, we would do well to remember that state legislators play second fiddle to no one, not to high-profile governors, nor to your federal counterparts in Washington. It’s true that state lawmakers spend less on campaigns, are not as well-paid, and may have a harder time being seen and heard. But you—just like your federal counterparts—do have power. The only difference is, you use it.

We hope each issue of this magazine helps you in your challenging job. Behind the internationally award-winning cover art you’ll discover people you can relate to, ways to improve your skills, solutions you can adapt to your state, insights to challenge your assumptions, facts to bolster your positions, and, we hope, a phrase or cartoon to make you chuckle.

The contributions you and your staffs make to American democracy cannot be overstated. Remember, through NCSL, you are part of the community of all legislators across the country—Republicans and Democrats. We are committed to your success. Turn to us often.

William T. Pound
NCSL Executive Director
**NEWSMAKERS**

On November 4, Nevada Republicans took control of both the Assembly and Senate in the GOP wave that swept the nation, putting them in control of the Legislature and the governor’s office for the first time since 1929. The GOP hasn’t held the majority in the Assembly in 30 years, and the election of a speaker-designate became fraught with controversy. Republicans’ initial selection of Ira Hansen as speaker quickly sparked fierce criticism when news reports surfaced of remarks he made in a column he wrote for The Sparks Tribune over 13 years ago. His comments about African Americans, women and his pride in owning a Confederate flag proved too much for Governor Brian Sandoval, who reportedly asked Hansen to step down. “Politics of personal destruction win,” Hansen said in an email to his colleagues, announcing he was resigning his post. He said in a later public statement he was the victim of “a carefully orchestrated attack to remove a conservative Republican from a major leadership role in state government.” Wesley Duncan appeared to be the frontrunner for the speaker’s post after Hansen, but he resigned to become an assistant state attorney general. Observers thought that Paul Anderson was a shoe-in, but he was bested in the race by John Hambrick. The caucus chose Michele Fiore as majority leader, the first GOP woman to serve in that post, and Victoria Seaman, the first Latina Republican elected to the Assembly, as assistant majority whip. Speaker-elect Hambrick served in the Secret Service as part of the Presidential Protection Detail and was an Immigration and Naturalization Service agent, ultimately heading up criminal prosecutions for the agency’s Washington, D.C., field office before retiring after nearly 30 years in federal law enforcement.

Betty King, the beloved, longest-serving secretary of the Senate in Texas history, died in December. She was 89. Her love of Texas government was sparked when, at 14, she served as an honorary page. After graduating from the University of Texas, she began her career as a clerk for the Texas House Appropriations Committee in 1947. She was elected to her Senate post in 1977 and served under four lieutenant governors and 97 senators. Her unflappable disposition earned her the reputation as a diplomat in the Senate, and in the words of former Governor and Lieutenant Governor Rick Perry, she had “an uncanny ability to manage a chamber full of mighty egos and make each feel they were the most important in the midst.” During her nearly 54 years of service to the Legislature, King won numerous accolades and awards, including NCSL’s Staff Achievement Award. She served as NCSL staff chair from 1988—89. Upon her retirement in 2001, the Senate renamed the lieutenant governor’s committee room the Betty King Committee Room. Citing the model she set for “dignity, honor, professionalism, and humanity” and calling her contributions “truly immeasurable,” the Senate established the Betty King Public Service Award, to be bestowed on one legislative and one administrative Senate employee who exhibit exceptional commitment and dedication to the chamber.

“**This is the 21st century. Police training and tactics from the 1930s have become outdated. As society evolves, so too must our protectors.**”

Missouri Senator Maria Chappelle-Nadal (D), announcing her bill to limit police use of deadly force, mandate body cameras and prohibit officers from hog-tying, in the St. Louis Post-Dispatch
In what was described as a “wild” day, New Hampshire Representative Shawn Jasper (R) won an upset victory for speaker on the third ballot after six hours of debate and with strong Democratic support. The GOP took back control of the chamber in the November election after losing it in 2012 to Democrats. Although the GOP has a 239-160 margin, a coalition of Democrats and Republicans handed the gavel to Jasper, an 11-term member. Republicans were furious at the outcome. Former Speaker Bill O’Brien, who led the chamber in 2010, was expected to sail to victory after he received his caucus’s nomination. But when he failed by four votes on the first ballot, Jasper stepped in and ultimately prevailed. Observers believe it was O’Brien’s call for a recorded vote in the speaker’s race rather than the traditional secret ballot that was his critical mistake. Jasper immediately began selecting committee chairs and his leadership team. He said he will reach out to all members of his caucus to try to diffuse their anger and discuss their expectations for the session.

Millie MacFarland was the “unsung and quiet steady hand shepherding many of the laws that have shaped our state,” said Maine House Speaker Mark Eves (D). MacFarland, who served more than 30 years in the Maine Legislature, 12 of them as clerk of the House, died at age 58. She was a national expert in parliamentary procedure and served on NCSL’s Mason’s Manual of Legislative Procedure Commission. She was a past president of the American Society of Legislative Clerks and Secretaries and served on NCSL’s executive committee. “Her expertise and commitment guided us all,” Eves said. “We will all miss her at the rostrum, in the House chamber and in the halls of our great Capitol.”

“All the House did with this bill was take money out of our constituents’ wallets and put it into a leaking bucket.”

Pennsylvania Representative Mike Reese (R), after the House voted in favor of a $2.3 billion funding increase for transportation.

“`I didn’t seek public office for what I can get out of it. I sought public office for what I can put into it.”

Missouri Representative Mark Parkinson (R), who told the St. Louis Post-Dispatch he will try to block a board-recommended pay raise for lawmakers and other elected officials.
New Session, New Faces

Legislatures in 42 states, five territories and the District of Columbia kick off their 2015 sessions this month. (The rest started in December or will start in February, March or April.) The GOP’s November landslide gave the party control of both chambers in 30 states, the most since 1920. Republicans bagged 11 formerly Democratic chambers and gained roughly 290 new House and Senate seats for control of about 4,100 of the nation’s 7,583 legislative seats. Republicans also reign in 33 governor’s offices after ousting Democrats in Arkansas, Illinois, Maryland and Massachusetts.

Remarkably, the rout didn’t increase the number of GOP “trifectas”—states in which one party controls the governor’s office, the House and the Senate. Today, the GOP enjoys complete control in 23 states, the same as before the midterms.

But 18 states now have divided governments—up from 11 before the midterms—and in eight states, each party controls one chamber. That’s up from three. What that means for the business of governing—more gridlock or greater bipartisanship—is still too early to call.

—Morgan Cullen, NCSL

### 2015 Party Composition of Legislatures

<table>
<thead>
<tr>
<th>State</th>
<th>Total Seats</th>
<th>Senate</th>
<th>House</th>
<th>Senate %</th>
<th>House %</th>
<th>Midterm Turnover</th>
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<td><strong>1,086</strong></td>
<td><strong>5,411</strong></td>
<td><strong>21.1</strong></td>
<td><strong>64% Republican</strong></td>
<td><strong>22% Democrat</strong></td>
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* No 2014 general elections
+ No 2014 state Senate elections

### Women’s Ranks Thin

There are slightly fewer women serving in legislatures today than there were before the November midterm elections. Women have made great strides in statehouses since 1965, peaking at 1,802 in 2010. Since then their numbers have declined slightly. Women hold 24 percent of the nation’s 7,583 legislative seats.

### Legislatures, by Party Control

2% Nonpartisan
22% Democrat
60% Republican
16% Split

### See You in D.C.

Many legislators ultimately land in Congress. This month, 29 former legislators join the U.S. House, and six join the Senate, for a total of 223 representatives and 44 senators with legislative chops—or nearly half the Congress.

### Source:
NCSL, as of Dec. 9, 2014

### JANUARY 2015 | STATE LEGISLATURES
The Hispanic Wave

Hispanics are the largest and fastest-growing ethnic minority in the nation. Both political parties wooed them heavily before the midterms and will likely do so more ardently in the run-up to 2016. Traditionally, Hispanics have been reliably Democratic, but Republicans are making inroads.

54 million
U.S. Hispanic population, or 17 percent of the total U.S. population

11%
Share of U.S. voters who are Hispanic

8%
Share of Hispanic voters who voted in the midterms

40%
Portion who voted for GOP gubernatorial candidates in Texas and Georgia in the midterms

62%
Portion who voted for Democratic U.S. House candidates, compared to 36 percent for Republicans

49%
Share who said the economy was the most important issue facing the country

Two-thirds
Portion who say passing immigration legislation soon is extremely or very important

8
States with a population of 1 million or more Hispanic residents

1.2 million
Hispanics who are veterans of the U.S. armed forces

How Are the Kids?

Are American kids better off today than they were in 1990? In the areas of health, education and safety, the answer is “yes,” according to the 2014 Annie E. Casey Foundation’s KIDS COUNT Data Book, the 25th annual report card on children’s well-being.

Important Strides

- Child and teen mortality declined from 46 deaths per 100,000 in 1990 to 26 deaths per 100,000 in 2010.
- More children have health insurance: In 1990, 87 percent of children were covered, compared with 91 percent in 2012.
- More children ages 3-4 are in preschool: 38 percent in 1990, compared with 51 percent in 2012.
- Reading has improved: 27 percent of fourth graders were proficient in reading in 1992; in 2013, the portion had grown to 34 percent.
- Teen births have declined dramatically, from 60 births per 1,000 young women in 1990 to less than half that—29 births per 1,000—in 2012.

But the foundation, which looked at data from the Census Bureau’s Current Population Survey and other sources, also found troubling trends. Among them was high poverty, especially among children of color, who make up nearly half of the child population.

Troubling Trends

- In 2012, 23 percent of children lived in poverty—16.4 million children in households with incomes of $23,283 or less for a family of two adults and two children or $16,057 for one adult and a child.
- By ethnicity, the percentages of children living in poverty in 2012 were: African-American, 40 percent; Native American, 37 percent; Hispanic, 34; Asian, 15; and non-Hispanic white, 14.
- More children live in poor communities; in 1990, 11 percent lived in a neighborhood where the poverty rate was 30 percent or higher. The rate was 13 percent in 2012.
- Thirty-five percent of children lived in a single-parent household in 2012, an increase of 10 percent over 1990.

The authors conclude that while important improvements have been made in children’s well-being overall, too many children of color “begin their lives with multiple disadvantages,” including poverty, fragile families, violent neighborhoods and lack of educational opportunities. “Improving outcomes for all children is essential for our nation to remain strong, stable and globally competitive,” the report concluded.

—Qiana Torres Flores, NCSL
Less “Fill ‘er Up,” More “Charge It”

It costs $1.29, on average, to drive an electric vehicle the same distance as a conventional car travels on $3.30 worth of gasoline, according to a 2014 U.S. Department of Energy estimate.

Not only does it cost less to “fill ‘er up,” but electric vehicles help reduce U.S. dependence on petroleum, which currently dominates the transportation sector. They run on electricity, produced by domestic resources such as coal, natural gas, nuclear and renewable sources. Since electric cars use little or no petroleum—unlike a conventional internal combustion engine—they can also help reduce greenhouse gas emissions.

Varieties of electric vehicles on the market include:

- Hybrid electric vehicles, such as the Toyota Prius, which combine technologies of an internal combustion engine with electric propulsion. They reduce fuel use by allowing the electric motor and batteries to capture energy that would be lost in conventional vehicles.
- Plug-in hybrid electric vehicles, such as the Chevy Volt, which use electricity stored in rechargeable battery packs in the car. They plug into an external source of electricity—such a power outlet—to be charged. They switch to gasoline once the battery power is depleted to extend their range.
- All-electric cars, which run entirely on an electric motor and rechargeable battery. The Nissan Leaf, the best selling all-electric vehicle, is designed to go about 80 miles on a single charge.

More than 260,000 plug-in electric vehicles have been sold since 2008, according to the Electric Drive Transportation Association, an electric-vehicle advocacy group, and at least 22 electric models are on the market. The 8,000 charging stations from coast to coast aren’t enough to make it convenient for all plug-in vehicle owners to recharge, but more stations are coming on line.

At least 37 states currently offer drivers financial incentives, exemptions from vehicle inspections and emissions tests, free city parking, utility rate reductions and unrestricted use of high-occupancy vehicle lanes. Many states offer reduced registration fees and tax credits or rebates as well—ranging from $1,000 in Maryland to $6,000 in Colorado. At least 20 states considered legislation in 2014 to encourage the purchase and increased use of electric and hybrid vehicles.

Minnesota lawmakers passed legislation requiring investor-owned utilities to offer consumers discounted rates when charging electric vehicles during off-peak hours. Maryland gives rebates on the cost of installing recharging equipment. Federal incentives include a tax credit of up to $7,500.

One side effect of the rise in electric vehicle use is a drop in gas tax revenues, which states rely on for road construction and maintenance. Colorado, Nebraska, North Carolina, Virginia and Washington impose annual fees of $50 to $100 on electric vehicle owners to help offset the loss. Additionally, Oregon will launch a program in July in which 5,000 participating vehicle owners will pay 1.5 cents per mile driven rather than a gas tax—an approach that could offer a way to capture revenues from all vehicles, electric or not.

—Kristy Hartman, NCSL

Electric Vehicle Incentives and Fees

Thirty-seven states have incentives for electric vehicles.

- Offer incentives
- Collect special fees and offer incentives
- No incentives or fees

Sources: NCSL; U.S. Department of Energy’s Alternative Fuels Data Center
Farm States Cultivate Lawyers

City dwellers may find it tough to believe, but lawyers don’t grow on trees. For the 20 percent of Americans who live in rural areas, in fact, lawyers have become scarcer than hens’ teeth.

The problem is widespread. For example, 12 of Nebraska’s 93 counties have no lawyers, and six of Georgia’s 159 counties are lawyerless, the ABA Journal reports. In Arizona, 94 percent of lawyers are concentrated in the two largest counties, and in Texas, 83 percent of lawyers practice in the Houston, Dallas, Austin and San Antonio metro areas, according to the New York Times. Wishek, N.D., population 980, found itself without a lawyer when the last one retired in 2013, and the same thing happened recently in Martin, S.D., population 1,072.

As an increasing number of lawyers hit retirement age, there’s been no one to take their places, especially in the Midwest. Residents of small towns are finding it difficult to get basic legal services unless they journey, in some cases, 100 miles or more.

With the help of the American Bar Association and law schools, states are finding creative ways to recruit young lawyers to rural areas. South Dakota lawmakers, for example, established a program that offers young lawyers an annual $12,000 subsidy for five years if they’ll move to a qualifying county. Launched in July 2013, the program, funded for 16 attorneys, has four in place and expects to hire three more soon.

South Dakota Senator Mike Vehle (R) carried legislation authorizing the program, which had long been advocated by state Supreme Court Chief Justice David Gilbertson. To help win passage, funding for the program was divided among the state (50 percent), county (35 percent) and state bar association (15 percent).

The town of Wishek, N.D., took a slightly different tack. It’s too far from any city to attract commuters, so town officials offered to pay for office space and other business expenses for any young lawyer who would move to town. Cody Cooper and Mary DePuydt, a married pair of 2013 law school graduates, took the offer and moved from the Twin Cities in April.

In Maine, former state bar president Bill Robitzek has begun introducing Portland law students to older rural attorneys looking for successors. The informal program includes taking the law students on road trips to tiny coastal towns in the north. In Arkansas and Nebraska, the American Bar Association has funded fellowships for new attorneys who will work in rural areas.

Rural states are optimistic their efforts to recruit lawyers will succeed, in part because the number of law school graduates has increased over the past 30 years, and many are having trouble finding good jobs. In 2014, only 57 percent of 2013 law graduates had full-time, permanent jobs that required them to pass the bar, the ABA Journal reported.

Like many other young people, new law school graduates typically gravitate to cities for the high-paying jobs and the social scene. But the vacuum of legal professionals in rural areas, coupled with the lack of openings in cities, has changed the landscape. Ample opportunities exist for promising new lawyers in rural areas, especially if part of what makes them tick is helping people who really need it.

—Mary Winter, NCSL

Bears in the Crosshairs

Results of November ballot measures on hunting were scattershot.

Maine, Mississippi and Alabama came down on the side of tradition and voted to strengthen hunting rights. Michigan, however, said “no” to wolf hunts in two separate measures. The future of wolf hunting there is unclear, though, because a constitutional right to hunt and fish provision passed in 1996 that makes voters agreed to add language to an existing amendment passed in 1996 that makes wolves’ endangered species protection and created a wolf-hunting season. Hunters took 22 wolves last year, below the state-set quota of 43. Anti-hunting forces responded with November’s successful ballot measures to strip the state of authority to designate wolves as game species. But in 2013, lawmakers enacted a measure that leaves the decision on wolf hunts to the state’s Natural Resources Commission and the Legislature, effective this spring.

Courts are expected to be the final judge.

**Mississippi and Alabama**

Mississippi became the 18th state with a constitutional right to hunt and fish provision, with 88 percent of voters in favor of the amendment. In Alabama, almost 80 percent of voters agreed to add language to an existing amendment passed in 1996 that makes hunting the “preferred means of managing and controlling wildlife.” Many hunters believe animal rights groups and urbanization threaten their hallowed pastime and heritage, so they are turning to state constitutions to ensure that hunting is preserved.

—Douglas Shinkle and Mindy Bridges, NCSL
1 **DOWNSHIFTING**

Since 2000, commuting to work by car has increased only in Louisiana, North Dakota and South Dakota, three states where oil and gas workers travel long distances. Elsewhere, car commuting continued to decline. Nationwide, it dropped from 88 percent in 2000 to 86 percent in 2013, according to a Stateline analysis of U.S. Census numbers. In D.C., car commuting fell 11 percent, and Colorado, Oregon and Washington saw drops of up to 4 percent. The decline is attributed to young adults who prefer pedestrian-friendly cities over suburbs; greater use of mass transit; and more people who walk, bus or bike for health or environmental reasons. Retiring baby boomers add to the decline, as do higher car expenses.

2 **OPEN FOR BUSINESS**

Wyoming and South Dakota topped the rankings for best tax climate for business in the 2015 State Business Tax Climate Index, compiled by the Tax Foundation, a Washington, D.C., think tank. The index compares state tax systems in terms of how friendly they are to business and economic development. Rankings are based on the rates for individual income tax (32.1 percent of each state’s score), sales tax (21.6 percent), corporate tax (20.6 percent), property tax (14.6 percent) and unemployment insurance tax (11.1 percent). Nevada, Alaska, Florida, Montana, New Hampshire, Indiana, Utah and Texas rounded out the top 10 list.

3 **TEAR DOWN THE ZION CURTAIN?**

Utah restaurants and bars are required to erect partitions so customers can’t see bartenders make drinks—an effort to discourage over consumption. But the “Zion Curtain” law is no longer relevant, believes Representative Kraig Powell (R), who says he will sponsor legislation to repeal it. In a poll, 62 percent of Utahans said the law hurts tourism and the economy. Governor Gary Herbert disagrees, pointing out that tourism is up and that Forbes magazine ranked Utah No. 1 for business. “I don’t have a lot of people coming to me when I’m outside the state saying, ‘You know, we’d come to Utah if it wasn’t for those darn liquor laws,’” he told KUED Radio.

4 **NAVAJOS TAX JUNK FOOD**

Navajo Nation lawmakers in Window Rock, Ariz., imposed a 2-cent sales tax on junk food to combat diabetes on the reservation, which covers parts of Arizona, New Mexico and Utah. The tax on snacks, candy and soda is expected to raise $1 million to fund vegetable gardens, farmers’ markets and exercise equipment. Diabetes is a leading cause of death among Navajos. Grocery stores are few and far between on the 27,000-square-mile reservation, and since electricity is not available in all areas, thousands of people have no way of storing perishable food items for long.

5 **DEATH WITH DIGNITY TURNS 20**

On the 20th anniversary of Oregon’s Death with Dignity law, the nation’s first, 1,173 residents have qualified for lethal prescriptions, and 752 patients have used them, according to The Oregonian. Most who chose to die were white, well-educated, over 65 years old and had health insurance. A majority suffered terminal cancer and died at home under hospice care. Washington and Vermont have similar laws. All allow mentally competent adult residents who have been diagnosed with a life expectancy of six months to receive a prescription medication to hasten death.
TENNESSEE RETHINKS ABORTION LAW
Representative Rick Womick (R) has filed the first bill in response to a constitutional amendment, passed by voters in November, which says the right to an abortion is not guaranteed in Tennessee. His bill would require a woman to receive an ultrasound of the fetus 24 to 72 hours before she plans to have an abortion, and a doctor must offer to show her the image, although she could decline. Bill supporters believe some women will decide against having an abortion after they see the image. Jeff Teague, an official with Planned Parenthood, which fought the ballot measure, told The Tennessean that requiring doctors to offer women ultrasound images “is about shaming women.”

GOVERNOR TO CRITICS: WHEN PIGS FLY
New Jersey celebrities Danny DiVito, Martha Stewart and Bill Maher endorsed a bill that would have improved life for pregnant pigs, but it still ended up on the kill floor. Senator Raymond Lesniak’s (D) bill would have banned small gestation crates that leave the sows no room to move. The bill had wide public support, but Governor Chris Christie vetoed it for a second time, saying it created needless regulation and usurped state agriculture department authority. Critics said Christie vetoed the bill because he wants to be president and was currying favor with the powerful pork industry in Iowa, which holds the first presidential nominating contest. Although New Jersey legislators couldn’t save the bill’s bacon, lawmakers in nine other states have enacted similar legislation.

WIPES IN THE PIPES
Americans may love ’em, but sewage systems don’t. Tons of disposable bathroom wipes, flushed down toilets, are clogging pipes and costing millions of dollars in repairs. Baby wipes are particularly hard on systems. Although many are labeled as “flushable,” they are strong and don’t dissolve quickly. D.C. spent $1 million last year on heavy-duty grinders to destroy them, and Maine launched a “Save Your Pipes: Don’t Flush Baby Wipes” campaign. America isn’t alone. Canadian treatment plants spend about $250 million annually to deal with wipes, according to AP. And in London, a 15-ton, 66-foot-long glob of wipes, dubbed “Fatberg,” caused major sewage backups in Whitehall this summer. Experts say only three things should go down a toilet: No. 1, No. 2 and toilet paper.

THE LAST STRAW
When Stephanie Bounds says she drew the short straw, she’s not speaking metaphorically. Bounds won 177 votes, the same as her opponent, in a city alderman race in Poplarville, Miss., a town of 2,818. Since state law says election ties “shall be determined by lot,” city officials had both candidates pull straws from what Bounds describes as a cut-off bleach bottle, decorated as a hat. Bounds got the short straw. “Some of the national press we got—we just looked so backwoods,” Bounds told The Jackson Clarion-Ledger. “Maybe we should have just arm-wrestled for it.” Bounds says she will lobby legislators for a better way to settle ties, such as runoff elections. At least 22 states draw lots to settle legislative ties.

$15 MILLION IN JOB GRANTS
Six states have won nearly $15 million in U.S. Labor Department grants to expand job opportunities for adults and young people with disabilities. California, Illinois, Kansas, Massachusetts, Minnesota and South Dakota will receive roughly $2.5 million each to beef up American Job Centers, which work with local schools, businesses and advocates to help people with disabilities find jobs. This is the fifth round of Disability Employment Initiative funding, which supports 37 projects in 26 states. More grants may be awarded in the future, but details were not available in early December.
What’s Hot for 2015

Lawmakers have a slew of hot issues to juggle as sessions rev up around the country this month.

BY JULIE LAYS

The overall economy is improving. Gas prices are down and state revenues are up. Things are better, but they’re not great.

Lawmakers are reporting for duty with partisanship and polarization casting longer than normal shadows down revered statehouse hallways. Social issues continue to divide, voters’ cynicism grows for all things “government” and federal inaction threatens states’ stability.

Still, state lawmakers find ways to get things done. They look for areas of agreement, they learn from experiences in other states and they find solutions to fairly serious problems, often quite innovatively and almost always more effectively than their federal counterparts.

As lawmakers roll up their sleeves to begin work on many important issues, state fiscal conditions, at least, are stronger than they have been for several years. With only a few exceptions, state finances continue to improve slowly but steadily from the depths of the Great Recession. NCSL’s most recent fiscal survey of the states found most spending in line with appropriated levels for FY 2015. In fact, as the New Year approached, only Medicaid and corrections in a couple of states were running over-budget.

The same survey found that the top funding issues state legislatures are expected to address during 2015 legislative sessions are education (from preschool to university), Medicaid, and transportation infrastructure. Other hot fiscal issues include tax reform and gaming.

As we do this time each year, we’ve listed the topics—many new and emerging—that will likely occupy a majority of lawmakers’ time and energy across the country.

1. HEALTH EXCHANGES

It’s a given that some aspect of health care policy will always make it onto a top state policy list. From costs to care, it’s always hot. Along with debates over expanding Medicaid, bolstering the workforce and cutting costs, health insurance exchanges will be in the spotlight again. A pending U.S. Supreme Court case could have a big influence on state action this year. In King v. Burwell, the justices will determine whether the tax credits under the Affordable Care Act (ACA) for low- and middle-income health insurance purchasers apply if they use the federal exchange rather than a state exchange. If the justices rule the credits don’t apply, some say it could kill the ACA as we know it. Others say it may only encourage states to convert their federally run exchanges into state-run versions. Currently, 16 states and the District of Columbia have state-run exchanges. At least seven other states partner with the federal government to run their exchanges. These may be the most likely to switch to a full state-run marketplace. This is only the second case regarding the ACA to make it to the high court, so the ruling is highly anticipated.

Julie Lays is the magazine’s editor. NCSL policy research staff contributed ideas and information for this article.
2. MARIJUANA

Legalizing marijuana is undeniably one of the hottest issues today. In the first states to legalize small amounts, the proliferation of retail marijuana stores and the growth of the related industry would have been hard to imagine just a few years ago. New stores and emerging businesses are popping up offering pot users everything from exclusive tours to cooking classes, limo rides to ski trips. Voters, so far, have been the drivers behind these proposals. They passed the first initiatives to legalize, regulate and tax small amounts of marijuana in 2012 in Colorado and Washington, as did voters in Alaska, Oregon and D.C. last November. Bills to legalize recreational marijuana were introduced in 15 legislatures in 2014, and in 13 the year before, but none advanced.

In addition, 23 states and D.C. allow the use of marijuana for medical reasons, with more than half those proposals initiated and passed by legislatures. And 19 states and D.C. have changed their laws so that anyone caught with a small amount of marijuana is charged with only a civil or local infraction, with no possibility of jail time. Some of these laws date back to the 1970s, but many reflect a recent renewed interest that will continue in 2015.

The U.S. Department of Justice, meanwhile, continues to maintain that marijuana is illegal under the federal Controlled Substances Act and expects states to enact and implement laws that include “strong and effective regulatory and enforcement systems” to address any threat legal pot could have on public safety, public health and other law enforcement interests. Native American tribes are permitted to grow and sell marijuana on tribal lands as long as they follow federal rules already in place in states that allow recreational use, according to Justice guidelines issued in December.

Will 2015 be the year that a state legislature legalizes recreational use of marijuana? Questions on the minds of lawmakers include: Should the growing cannabis-related tourism industry be regulated more? How should drugged driving be defined and penalized? How should taxes be structured?

Other drugs under the policy spotlight are prescription pain killers and heroin. At least 22 state legislatures and D.C., mostly in the last two years, have enacted “Good Samaritan” laws to encourage people to call 911 by granting limited criminal immunity to both the person who overdosed and the one who seeks help. More states will be looking at these laws this year. Similar bills have been introduced in Congress.

3. STUDENT ASSESSMENTS

As a handful of states continue to debate the merits of and motivation behind the common academic standards, inescapable are the federal and state laws requiring schools to assess students’ mastery of the English and math standards. What’s more, the majority of states promised the federal government they would administer newly created “next generation” assessments during the 2014-15 school year in exchange for flexibility with other federal education requirements.

Since 2010, two federally funded, state-led consortia—Partnership for Assessment of Readiness for College and Careers (PARCC) and Smarter Balanced—have developed and field-tested assessments intended to measure not just students’ knowledge, but also their ability to communicate, reason, analyze and synthesize data, make complex inferences, and develop strategies to solve complex problems. Twenty-seven states and D.C. will administer either the PARCC or Smarter Balanced assessment during this school year and another 20 states will use assessments developed themselves or by private vendors. Three states remain undecided.
Because next generation assessments measure a wider range of knowledge and reasoning skills than previous tests, state lawmakers this year will be discussing how to best use this new and different data. Should teachers be held accountable for how their students do on assessments, and if so, how? How can the burden of over-testing be addressed? Should high-performing schools be waived from having to conduct certain assessments annually? Should they be allowed more leeway in which assessment to use?

4. POLICE AUTHORITY

The deaths of two unarmed black men at the hands of white police officers last year in Ferguson, Mo., and Staten Island, N.Y., sparked national protests after grand juries decided not to prosecute the officers. The protesters’ concerns are reverberating in state capitols where legislators will be considering several issues affecting how police officers interact with the public. New technologies, concerns over how the police use force and an expanded use of police authority to search are causing lawmakers to investigate several policy options.

Already, 14 states have enacted laws addressing when police can use unmanned aircraft, and 10 states regulate when law enforcement officers are allowed to search cell phone data. But the most recent issue vying for lawmakers’ attention is the use of body cameras. At least eight states last year considered legislation to enable or require police to use these cameras to record their interactions with the public. States and cities will have help buying the cameras and teaching officers how to use them in the coming year if Congress approves a $75 million grant program proposed by the president.

Lawmakers also are expected to look at police use of data, no-knock search warrants, seizure of assets, SWAT teams and the authority of citizens to film police. The issue of police militarization will be taken up at both the state and federal levels, and the U.S. Supreme Court is scheduled to hear a case this term on the boundaries of police authority under the 4th Amendment.

5. PRETRIAL RELEASE

Most criminal defendants, except those facing very serious charges, are allowed to remain free in their communities before going to trial. How to determine whether, and under what conditions, those defendants should be released will continue to be discussed in legislative chambers this year. Since 2012, lawmakers in nine states have passed 10 laws requiring the use of risk assessments in making those decisions and facilitating better supervision of defendants once released.

An important new difference in these policies is a shift in focus onto the individual defendant, rather than the alleged crime, to help identify those who pose the greatest risk to public safety and to reduce the number of low-risk people in county jails. Several states were at work in late 2014 to review and revise pretrial release policies; we expect several will be ready to act in 2015.

6. PENSION INVESTMENTS

In the world of public pensions, the latest concern is the increasing reliance on alternative investments, such as private equity and hedge funds, that offer the possibility of higher returns during down markets. This shift has resulted in higher fees and less transparency, however. Many hedge funds charge investors 20 percent of profits and 2 percent of assets, even with recent disappointing performance. Citing the high cost and complexity of these types of funds, last September, the California Public Employees’ Retirement System (CalPERS) announced it was terminating its hedge fund portfolio. Because CalPERS is the largest public sector retirement system in the country and is closely watched by other pension funds and institutional investors, interest is likely to spread this year.

Investments in private equity are also generating buzz in the pension world, as transparency concerns come to the fore. The New York Times, for example, early last November, exposed the fact that public pension plans can find themselves on the hook for paying the settlement costs when private equity firms are accused of wrongdoing.

Whether the potential benefits are worth the risks involved with these types of alternative investments will have lawmakers and retirement system managers debating into the wee hours. And rightly so, say the 14.5 million state and local employees trusting them with their pensions.

7. SEX TRAFFICKING

A recent California report found that between 50 percent and 80 percent of commercial sex exploitation victims are, or were, involved with the child welfare system. Although every state criminalizes at least some trafficking activity, lawmakers continue to explore new methods to combat traffickers and to provide support and rehabilitative services for victims, who are often in foster care or the juvenile justice system. Such “safe harbor” laws are changing the way the system treats the victims of this crime—not as criminal prostitutes, but as crime victims in need of support and services.

State legislatures also will strive to meet the many new requirements set forth in the federal Preventing Sex Trafficking and Strengthening Families Act passed in 2014. State child welfare agencies, as critical partners in this effort, will be required to develop programs to identify, screen and treat children and youth in foster care who are victims of, or at risk of, sex trafficking. They will also have to report child victims, and youth missing from foster care, to law enforcement and to the federal government. Federal legislation has been introduced that would create a Domestic Trafficking Victims Fund to help state and local governments prosecute traffickers, aid victims and give states that pass safe harbor laws preference for Community Oriented Policing Services grants.
8. SOCIAL IMPACT FINANCING

More and more, states are turning to an innovative, yet controversial, financing mechanism to pay for social programs and services. Called “social impact bonds” or “social impact financing,” among other terms, under this approach the government contracts with an outside organization to provide a measurable government service. The organization is repaid with interest by the governmental agency if, and only if, it is successful. The idea originated in the United Kingdom in 2010. Massachusetts, in 2012, became the first state to use social impact financing for social services. Around the country, questions on lawmakers’ minds include: How exactly is success measured? While this financing method may delay the state burden, does it really save taxpayers’ money? What risks are involved? Debate is likely to heat up in 2015 as more states experiment with this financing alternative.

9. IMMIGRATION

States have certainly been where the action is on immigration, as Congress drags its feet on any federal reform. And although 2014 saw a decline in immigration legislation enacted in the states, lawmakers across the country still approved more than 170 laws focused on addressing immigration challenges in budgets and appropriations, services, enforcement and education. What’s to come in 2015? Expect states to continue meeting immigration challenges, with federal actions, if any, spurring state responses to comply, and federal inaction encouraging states to continue developing their own solutions. Topics will be widely varied but likely to include discussions on driver’s licenses, E-Verify, in-state tuition and enforcement, including protections for victims of trafficking.

10. NET-METERING

On the energy front, state legislators will be discussing how public utilities recover costs as interest in small-scale, on-site power sources—known as distributed generation— grows. These systems use rooftop solar panels, small wind turbines and other technologies to produce electricity on-site and are connected to the local electric grid.

At the center of the policy debate is “net-metering,” an approach that allows these small-scale power generators to sell power to their electric company when they produce more than they need and credit those sales against their energy purchases during times when their own systems are not producing enough to meet their needs.

States and utilities adopted net-metering to compensate people who invest in distributed energy technologies, such as rooftop solar, but many utilities now argue these individuals are being over-compensated. Discussion in legislative chambers and committee rooms this year will focus on whether the monetary benefit net-metering offers is fair or in need of a major update.

State/Federal Priorities

With state lawmakers juggling all these, and many more, policy concerns, what can we expect from the 114th Congress? The changing political dynamics—with Republicans controlling both chambers for the first time since 2007—could offer new opportunities to strengthen state sovereignty and bolster states’ rights. Or they could result in more of the same, a mere reflection of the previous session, a reincarnation of the “Do-Nothing” 80th Congress of the late 1940s.

If they so choose, federal lawmakers will have plenty of opportunities to tackle some of the nation’s pressing policy issues. This includes funding the improvement and maintenance of the nation’s infrastructure, addressing the federal government’s debt limit, considering reforms to entitlement programs and the federal tax code, and enacting legislation allowing states to require remote sellers to collect and remit sales taxes.

The Congress convened on Jan. 3, almost half its members brought with them state legislative credentials, a high mark over the past eight years. NCSL will look to these members to join in the call to Congress and the administration to stop imposing unfunded federal mandates and preempting state authority with unwarranted federal over-reach.

NCSL’s advocacy efforts on Capitol Hill and with the administration in 2015 will focus on these top congressional issues for state legislators:

Transportation funding and infrastructure
Deficit reduction
The Marketplace Fairness Act
Immigration
Cyber security
Medicaid/CHIP
Child care and early learning
State-based insurance regulation
National Guard funding

There you have it: 10 state policy topics sure to make it onto legislative calendars this year and nine of the most important issues facing Congress for states. That’s a whole lot of balls in the air for lawmakers to juggle. But they will, and they just might surprise us in how they deal with them. It’s worth watching at least.
Mary Matalin and James Carville

Mary Matalin is a celebrated conservative and former assistant to President George W. Bush and counselor to Vice President Dick Cheney. James “The Ragin’ Cajun” Carville is an unapologetic liberal and perhaps America’s best-known political consultant. The unlikely couple met and fell in love in 1992, while Matalin was serving as President George Bush’s campaign manager and Carville was President Bill Clinton’s. One of America’s best-loved political couples, the duo presented a lively behind-the-scenes look at modern politics at the 2014 American Society of Legislative Clerks and Secretaries’ annual professional development seminar in Baton Rouge, La. Matalin and Carville share their insights—both political and personal—in this interview (originally answered individually) with State Legislatures.

SL: How concerned are you about the growing partisan divide across the country and the resulting gridlock in Congress?  
MATALIN: Not at all. All progress in this country has been the result of partisan preferences. Our founders envisioned such gridlock and accounted for it intrinsically in their federalist concept. The cities and states are governing just fine. The midterm results will continue the holding pattern we’ve been in for the last couple of election cycles. Hopefully a new, productive governing trajectory will result from the 2016 presidential election.

CARVILLE: My concern is that it’s geographical. You have fewer Republicans who know Democrats and fewer Democrats who know Republicans. I think the real problem is that all the Democrats tend to be centered in urban areas and the Republicans in rural areas, and so it’s very difficult for the Democrats to win the House of Representatives and Republicans to win the presidency. It looks to me in the foreseeable future that we might have a Republican House and a Democratic president, and neither appeal to the same constituencies.

SL: What’s your advice on how to uphold our honorable state legislative institutions?  
M: Remember always, lawmakers’ first obligation is to the citizens and the republic. They should faithfully adhere to the Constitution, work hard and honestly every day, stay optimistic and eschew cynicism, not disparage the motivations of opponents, read voraciously, and reread and internalize historical political parallels. Be proud of public service—it is a noble profession.

SL: What do you think is the greatest threat to American democracy?  
M: An ignorant and uninformed citizenry. Cynicism. Truly troublesome and anti-democratic is the non-transparent regulatory over-reach of government.  
C: Money.

SL: Do you feel negative campaigning has harmed government?  
M: Negative campaigning is as old as self-governing systems. There was negative graffiti preserved in Pompeii! Cicero was a master negative campaigner. More troublesome is the inordinate and disproportionate coverage of negative campaigning at the exclusion of coverage of honest debate.  
C: No.

SL: Do you think Congress and the administration have lost touch with the rest of the nation?  
C: I think the people in Washington are way more in touch with interest groups than anything else, and sometimes when you get in touch with interest groups, you get out of touch with other people.

SL: How have voters changed over the past 20 years and how is this reflected in campaign strategies?  
M: Obviously, social media has both democratized and isolated voters. Campaigns...
are nothing more than vehicles for communications. We may organize differently, but coalescing around ideas will always drive policy in a democracy.

C: They’ve gotten less white for sure. And I guess they’re probably going to skew a little bit older for a while, but certainly the big news among voters is that the percentage of white people who vote is considerably less than it was 20 years ago.

SL: In your ideologically divided household, what’s your family talk about around the dinner table?

M: Our girls and their adventures.

C: Assuming we’re home for dinner, we talk about kids, we talk about family, we talk about what’s coming up in the house. I mean, sometimes we’ll talk about politics. It’s not taboo. Not all politics is ideological, and we like to agree on some things in local politics.

SL: Do you think we are educating our children adequately when it comes to history, government and politics?

M: Absolutely, positively, unequivocally not. We are not teaching our youth to think and reason as individuals.

C: History has become very politicized. I’m a big believer that history is history—you can’t deny it and you should respect what happened in the past. You should glorify that which needs to be glorified and don’t glorify that which doesn’t need to be glorified.

SL: How do we inspire the younger generation to want to work in government?

M: Connect them to policy and politics. We’re not teaching our youth to think and reason as individuals, in their own communities. We need to illustrate that policy and politics drive every aspect of their lives in some way.

C: You know, I don’t think we can. I think they’ll have to come to that on their own, because basically what our generation has done is probably not very inspirational.

SL: Why did you decide to live so far away from Washington, D.C.?

M: In today’s information age, we are never far from Washington and still very involved. We wanted to raise our girls in a tighter community, and I have always loved New Orleans.

C: Well, I grew up in Louisiana, so I wanted to move back. I’m sure if I had grown up in Oregon, I’d have wanted to move back to Oregon. Or it could have been Virginia or Maryland. I didn’t move to Louisiana to get distance between myself and Washington. I actually just wanted to go home.

SL: What or who inspired you to work in politics?

M: A professor who inspired me to take his “Campaigns and Elections” course, then put me to work on local campaigns.

C: Probably my dad, and my grandfather. My dad was the kind of guy who would read the paper out loud. We had a running commentary on everything. My grandfather actually served on something called the police jury—in Louisiana we call everything something different—but it would be like county commissioners. And also my uncle, who I was very close to, served on the school board a couple of times. I just grew up liking it and politicians were very colorful people.

SL: What gives you hope in America today?

M: Federalism and the progress cities and states are experiencing; the millennial age cohort—aka the “iPad generation”—who are practical idealists; the opportunity for energy independence offered by hydraulic fracturing; and the continued religiosity of the USA.

C: Young people.

Editor’s note: This interview is part of a series of conversations with national leaders. It has been edited for length and clarity. The opinions are the interviewees’ and not necessarily NCSL’s.
On the Road (and Bridge) Again

In this era of declining revenues, more states are turning to the private sector to complete transportation projects.

BY JAMES B. REED

We’ve heard it for years. The nation’s bridges are crumbling, our roads are peppered with potholes, Congress won’t pass a comprehensive transportation funding plan, and gas tax revenue isn’t cutting it.

There’s just not enough money to fix the millions of miles of roads and the tens of thousands of bridges spanning the country. What we need is some $134 billion to $262 billion each year for the next 20 years. What we have: 40 percent to 70 percent less.

What’s even more alarming is that one in nine bridges in the United States—and the average is 42 years old—is structurally deficient, according to the American Society of Civil Engineers’ 2013 Infrastructure Report Card. And to fix them, we need $8 billion more each year than we already spend.

Wisconsin plans on about $2.5 billion in state and federal transportation money each year, but it needs $480 million more to maintain, improve and modernize its existing roads and bridges.

In 2013, 5,540 of Pennsylvania’s bridges—24 percent—were structurally deficient. Today, that number has dropped to 4,200, thanks to an aggressive program and a not-so-new idea with a new twist: public-private partnerships (P3s or PPPs).

The fuel taxes drivers pay at the pump have paid for most transportation projects, but that money is decreasing every year. And without “the political will to raise the revenue necessary to pay for what is needed,” says Minnesota Senator Scott Dibble (DFL), P3s may be one solution.

Sharing the Risk

The concept is simply a new take on an old idea: Fund and finance complex projects by cobbling together a variety of local, state, federal and private sources, but change the stakes. These public-private partnerships bring new money and shift some of the risks to the private partner, so a state’s department of transportation can do what it does best—plan the project and obtain environmental permits and rights-of-way.

This is the key feature distinguishing P3s from conventional government projects: Through a performance-based, long-term service contract with a government agency, the private entity takes on what has typically been the responsibility of the public sector—financing, design, construction, operation and maintenance, even toll revenue collection.

There is a public cost to transferring risk to the private side. The bigger the risk assumed by the private sector, the greater the cost to the state because of its guarantee of return on private

P3s “speed up construction of large facilities that would otherwise languish.”

—MINNESOTA SENATOR SCOTT DIBBLE

Jim Reed directs the NCSL Environment, Energy and Transportation Program.
investments. But the private party also has “skin in the game” in terms of its financial investment, so keeping up operation standards on its side is pretty much guaranteed.

“Giving a private partner an equity stake in a project, as well as control over the project’s execution, generally encourages more efficient management than the traditional approach affords,” the Congressional Budget Office (CBO) stated in testimony to Congress in March 2014. The contracts specify that when finished, the private side must hand back projects to the public side in improved condition.

P3s are viable for “some, but certainly not all infrastructure projects,” says Representative Ed Soliday (R), chair of the Indiana House transportation committee, whose state has embarked on a number of these projects. “There are many types of P3s. The key is having a state revenue source to make payments to the private entity as project phases are completed.”

This is the key caveat. P3s do not free up or create new public funds. They may reduce some of the initial upfront public debt, but revenues from tolls or other state transportation tax revenues are needed to pay back the private investment.

The Transportation Funding Crisis

From 2002 to 2011, state spending on surface transportation fell by $20 billion, a decline of 20 percent in real terms, according to a recent study by The Pew Charitable Trusts. Since states pay for at least 40 percent of annual highway and transit construction, operations and maintenance, this trend is sobering. Operations and maintenance tend to get cut when budgets are tight, and this in turn decreases the value and condition of transportation infrastructure.

Certainly the Great Recession and its aftermath of slow economic growth dampened appetites for spending at the state level. This has led to underinvestment, just when an aging infrastructure needs it desperately.

Most transportation funding comes from fuel taxes, but declining gas tax revenue is the new reality. Why? The federal gas tax has not increased in more than 20 years, people are driving less and cars are being designed to be more fuel efficient. Add to that the persisting political reluctance to raise any kind of tax, including fuel taxes, and the result is less money to pay for new construction or maintenance of current infrastructure.

Another concern is the continuing uncertainty of federal funding. Declining gas tax revenue has also hurt the financially unstable federal Highway Trust Fund. It will need annual infusions of at least $15 billion going forward, unless more federal revenue is found. Current authority for the federal surface transportation program expires in May 2015.

—Jim Reed, NCSL

In 2006, 23 states allowed public-private transportation partnerships and that number grew to 33 states by 2013. The trend continued, and last year 22 states considered at least 70 bills to allow P3s or tweak existing laws. Some $61 billion is committed to P3 projects over the past 25 years—half in the last five years.

The Promise of P3s

The new P3 approach is an effort to provide high quality roads and bridges in an era of diminishing gas taxes, as well as uncertainty and lack of growth in the federal transportation program, which pays for about 25 percent of the average state’s transportation costs. By providing additional capital through private-sector financing, P3s can help bring about projects that otherwise might have been delayed or not built at all because of declining revenue and debt limit ceilings.

Projects costing more than $100 million reduced design and construction time by as much as a year under the P3 approach, according to the CBO. “The research has found that, compared with the traditional approach, public-private partnerships have
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slightly reduced the time required to complete the design and construction phases of road projects and lowered construction costs by a small amount, on average.”

Well-executed P3s, according to a recent study by the Eno Foundation, a transportation think tank, can control costs, allocate risks properly, accelerate project construction, and develop essential infrastructure that might otherwise not have been built.

The P3 model that offers the “largest potential gains in terms of risk sharing and efficiency is one that includes a private role in all phases of a project: design, build, finance, operate and maintain, and hand back, commonly referred to as a DBFOM,” the report states. This model incorporates private financing and retains public ownership, and the private entity is paid with revenues generated by the tolls or payments made by the state’s annual transportation budget. Other P3 arrangements include design-build, whereby a single contractor designs and constructs the project in a seamless process, rather than though multiple separate contracts with separate companies.

**The Concerns About P3s**

When the private sector is involved in transportation projects, it raises a series of concerns: loss of public control and flexibility; private profits at public expense; assignment of future public revenues; risk of project bankruptcy by the private partner; the degree of accountability and transparency in the procurement and contracting process; adherence to environmental regulations; labor issues; the involvement of foreign companies; controversies surrounding public acceptance of tolls; and specific contract terms.

P3s “speed up construction of large facilities that would otherwise languish,” says Dibble, chair of the Minnesota Senate transportation committee, but there are disadvantages: “Without additional revenues, financing is merely borrowing. As well, there is perception that wealthier areas are being advantaged, that labor is being undermined, that otherwise public assets are owned and controlled by corporations, or that private interests are profiting from transportation operations. All are politically problematic.” Dibble authored legislation in 2013 allowing the transportation commissioner to establish a joint program office to oversee and coordinate activities to develop, evaluate and implement public-private partnerhips involving public infrastructure investments.

P3s are clearly not a panacea. In the past several months reviews have been mixed. In Indiana, the concession consortium leasing the Indiana Toll Road went bankrupt. The revenues anticipated in 2006 when the deal was initiated didn’t materialize due to the Great Recession, but the agreement insulated the state and taxpayers from loss and the state retained the upfront $3.8 billion payment it received from the private entity. In the meantime, the road is open, a bankruptcy sale is scheduled and a new toll operator will be named soon. Despite all this, the driving public has not been inconvenienced.

In Virginia, two toll road projects with signed P3 contracts are under review. There have been delays in getting project permits and concerns over tolling and certain contractual payment provisions to the private partner. In response, the Virginia Department of Transportation recently

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**Pennsylvania Attempts to “Bridge” the Funding Gap**

Pennsylvania lawmakers worked cooperatively in 2012 to pass House Bill 3 to create a viable P3 solution to their state’s transportation funding crisis. Today, policy experts and private entities alike are praising the law as the state readies to jumpstart its aggressive plan to replace or repair 558 bridges in four years.

PennDOT awarded a single P3 contract to Plenary Walsh Keystone Partners, a team including at least 11 Pennsylvania firms that will serve as subcontractors on its huge Rapid Bridge Replacement Project. By streamlining much of the process, the state hopes to replace bridges faster and more cheaply, with less of an impact on drivers, than through traditional methods.

The 28-year agreement includes a 36-month construction phase followed by a 25-year operation and maintenance contract. The replacement project will cost $899 million. Average cost savings over the contract period are estimated at $400,000 per bridge, or nearly $225 million in total.

The 2012 legislation created a Public-Private Transportation Partnership Board to oversee and advise on P3 projects in the state, with four of the six representatives appointed by the General Assembly.

It took less than a year for PennDOT to create the Rapid Bridge Replacement Project.

—Kevin Pula, NCSL

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**States With Public-Private Partnerships Laws**

Note: Arkansas enacted “modern” P3 legislation in 2007; however, a 1927 law already permitted private franchising of bridges. Maryland enacted legislation in 2013, although state regulations have permitted P3s since 1996. And New Jersey law allowed P3s for transportation projects between 1997 and 2001.

Source: NCSL, December 2014
Kentucky P3 Bill Hits Roadblock

Public-private partnerships are not a new or unusual tool for Kentucky. Current state statute allows for P3s to be used in nearly every area of procurement, except for transportation. This year the legislature overwhelmingly approved a bill to authorize the use of P3s for transportation projects as well, but the governor vetoed it.

Although Governor Steve Beshear said he supports expanding P3s in the state generally, he vetoed this bill because he said portions of the legislation could have put the Brent Spence Bridge project in jeopardy by limiting any possibility to use tolls down the road. The vital bridge provides access to I-75 and I-71 between Northern Kentucky and Greater Cincinnati and is slated for replacement at a cost estimated to exceed $2 billion.

The bill would have required approval by the General Assembly of any P3 project involving “bi-state authority with the state of Ohio.” In addition, an amendment introduced by Representative Arnold Simpson (D) would have prohibited tolls on any interstate highway project connecting Kentucky and Ohio.

The legislation passed with supermajority support, but lawmakers were unable to override the governor’s veto.

—Kevin Pula, NCSL

issued revised guidelines for the state P3 program. Nevada considered a P3 for its NEON highway project, but determined that a traditional procurement would be more cost-effective.

The bottom line is that no P3 project is the same as the one before and each one can have both uniquely successful and problematic elements. P3s are complex and entail significant transaction costs. And, they are new enough that the public doesn’t fully understand how they will function, how the public’s interest in these contracts is protected, and how the governmental agency interacts with the private company.

So what’s the best approach to reap the benefits of P3s?

- A clear, transparent legislative framework with adequate funding to implement a P3 program.
- An understandable procurement process that gives business interests confidence that preparing bids is a worthwhile investment.
- Open and timely communication to address potential controversies that may arise because the process is new.

Indiana’s Soliday believes states need to “clearly define what the expectations are for the maintenance of the current infrastructure, to sustain a certain level of quality, and how that will be measured. In addition, the state needs to

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spell out how it plans to evaluate the potential economic contribution of new projects in order to set new construction priorities."

What’s the Federal Role?

There are several federal tools to aid states in pursuing P3s. The Transportation Infrastructure Finance and Innovation Act is a credit assistance program that helps make projects more feasible by lowering the cost of capital by providing lower cost debt, but it is not a grant.

The 2014 Build America Transportation Investment Center—housed at the Department of Transportation—is a one-stop shop for cities and states seeking to use innovative financing and partnerships with the private sector for transportation infrastructure.

In September 2014, the U.S. House Transportation and Infrastructure Committee issued a report on P3s that recommended creating a procurement office in the U.S. Department of Transportation to work with state DOTs in defining a set of best practices for the various elements of P3s, including procurement and contracts.

The Issue of Transparency

One lesson learned is the importance of keeping the public informed. A Colorado project serves as a good example of how important transparency of the process can be. A few years ago, the state decided to improve U.S. 36 between Denver and Boulder, home of the University of Colorado, and create a toll lane in each direction. (It was a toll road in the 1950s and ’60s.) But the announcement elicited a vociferous and lightning-fast public outcry through social media as the contract was about to be approved. Citizens believed they had not been sufficiently informed about a change that would affect their pocketbooks decades after the highway had been paid for. They didn’t fully understand the tolling elements of the project, and many thought a free highway should not be turned into a toll road.

In response, the legislature approved a bill requiring additional public hearings at various junctures as well as online posting of contract terms, a practice followed in many states. But Governor John Hickenlooper vetoed the bill, primarily over a provision requiring legislative approval for contracts exceeding 35 years. He did, however, approve the transparency provisions by executive order. The Colorado Department of Transportation is now following these transparency guidelines to conduct more public meetings based on milestones reached and improve outreach through social media.

The World Bank has weighed in with suggestions about sharing P3 project data to keep the public informed.

• Publish the P3 contract, along with a summary of it in plain language.
• State how much the government will pay over time.
• Report on the project’s performance regularly.
• Create a way to validate information, perhaps through an audit.

Public-private partnerships hold the promise—within the correct legislative framework—to enhance a state’s ability to fund and expand all kinds of transportation projects while providing incentives and benefits to business. They don’t work in every instance and they need strong oversight, but they are a tool for states to consider.
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- Sodexo
With cigarette sales down and e-cigarettes hot, lawmakers find themselves in a bit of a revenue quagmire.

Perceived by many to be safer than cigarettes, these devices have grown rapidly in popularity since they were first introduced in the United States in 2005. Many smokers are turning to e-cigarettes for their nicotine dose. At the same time, related or not, sales of regular cigarettes decreased by 30 percent from 2004, according to the Centers for Disease Control and Prevention, and that brought down state revenues too, because cigarettes are among the highest taxed products in the country.

The Vapors Are Blowing

For lawmakers looking to replace that shrinking revenue stream, one option is to tax e-cigarettes as tobacco products. The new devices do contain nicotine, after all. But if long-term research proves that vaping is safer than smoking and that smokers are indeed abandoning an unsafe product for one that is healthier, wouldn’t the wise policy choice be to encourage smokers to switch to the safer option—e-cigarettes?

Maybe, but states rely on tobacco tax revenues to fund a number of popular programs, including education about the harmful effects of smoking. Without the funds from tobacco sales, these programs may have to be cut or funded with other state revenues.

This has not escaped the attention of lawmakers who are looking at e-cigarettes with an eye toward generating revenue and wondering just exactly where they may fit in.

Minnesota lawmakers, in 2012, were the first to tax electronic cigarettes. Their rationale was that since the nicotine in e-cigarettes comes from tobacco, the product is a taxable tobacco product. They set the tax at the already-established 95 percent of the wholesale cost of any product containing or derived from tobacco. In 2014, North Carolina jumped in too, and became the only other state to levy a tax on e-cigarettes. Lawmakers there chose to tax the liquid nicotine at $0.05 per milliliter.

The fact that only two states have imposed taxes on e-cigarettes may be due to the inability of state lawmakers to neatly classify these devices as either healthy or unhealthy. Vaporizers, after all, are new terms and concepts to the public policy world that is causing some confusion.
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taxes so far does not mean that others aren’t interested. To tax or not to tax e-cigarettes was a popular topic in recent legislative sessions. Taxes were proposed, but not enacted, in at least 15 additional states.

The most popular proposals would have added e-cigarettes to the definition of tobacco products and taxed them at the wholesale level. Lawmakers in Hawaii, Indiana, Kentucky, Massachusetts, New Jersey, Ohio, Oregon, Rhode Island, Utah, Vermont, Washington and Wisconsin considered going this route. Other proposals ranged from a 15 percent floor stock tax on inventory in Kentucky, to a $0.05 tax on nicotine cartridges in Oklahoma (per 1.5 milliliter) and South Carolina (per milliliter), to a tax of $0.15 per 1.5 milliliter of liquid in Michigan.

Given the number of proposals in 2014, more state legislatures are likely to follow Minnesota and North Carolina’s lead and debate the merits of imposing this new tax. Bills have already been prefilled in three states—Nevada, New Mexico and Virginia. The two basic questions are: Should e-cigarettes be taxed? If so, by how much?

The Yeas and Nays

Tax policy experts justify tobacco taxes on the grounds that they help offset the harmful health effects of smoking. Furthermore, high taxes on tobacco products may also discourage young people from taking up smoking in the first place, thereby reducing future public health costs.

But tax policy scholars argue against taxing electronic cigarettes because vaping may reduce the number of regular tobacco users by providing a satisfying alternative. If true, vaping provides a net benefit for society, which should not be discouraged by taxing e-cigarettes.

Those who favor vaping taxes, however, point out that e-cigarettes contain the same nicotine derived from tobacco as regular cigarettes do—it’s just in a liquid form. So it makes sense to tax them as a tobacco product. And, since vaping is relatively new, it is still unclear whether vaping e-cigarettes is any safer than smoking regular cigarettes, or whether there are unknown, harmful long-term effects from vaping.

If state lawmakers opt to tax e-cigarettes, the question is: what type of tax and how much? The most frequently considered method is a tax at the wholesale level. It’s also the easiest to administer. On the other hand, the wholesale price does not reflect the difference in nicotine levels, which varies. So some states have considered taxing nicotine levels as way of trying to impose the tax on the potential health risk.

What’s Next?

With “vape” winning “word of the year” in 2014 and now officially in the Oxford English Dictionary, it looks like e-cigarettes and all their accoutrements are here to stay. Whether these products are taxed is up to state lawmakers, but the research on their effectiveness at helping smokers quit may influence their decisions. And that is just starting to stream in. A study from the University of Hawaii Cancer Center released in mid-November found promising results that e-cigarettes “have positive short-term effects on smoking cessation,” one of the lead researchers, Dr. Pallav Pokhrel, reported.

Lawmakers, on the other hand, are wondering if taxing—or not taxing—e-cigarettes may have long-term effects on state revenues.
Filling the Gap

After years of spending cuts to mental health programs, lawmakers have begun to boost funding for the most effective approaches.

BY SUZANNE WEISS

Horrible violence committed by people who are mentally ill has reignited state policy debates over gun control. But it also, much less visibly, has been the catalyst behind concerted action on another front: mental health care.

Over the past two legislative sessions, at least 36 state legislatures have increased general-fund appropriations for inpatient and outpatient mental health care for children, adolescents and adults. And nearly every state has enacted new laws in areas ranging from jail-diversion strategies to school-based behavioral health services to programs aimed at reducing the stigma of mental illness. Thirty state policy initiatives enacted in 2013 received the gold-star “best practices” designation by the National Alliance on Mental Illness.

“We were cutting [mental health] programs and services even when we didn’t need to.”

—Representative Garnet Coleman, Texas

From the mass killings at Sandy Hook Elementary School to the most recent shootings at Florida State, the gunmen had severe mental disorders that went unnoticed, untreated or unreported.

The Sandy Hook tragedy in December 2012, in particular, “opened up the eyes of governors and state legislators around the country that mental health has been cut enough,” says Andrew Sperling, director of legislative advocacy with the National Alliance on Mental Illness. “We’ve seen largely bipartisan agreement that there are gaps in the public mental health system, and recognition that cutting mental health care has severe downstream consequences.”

Former Colorado Representative Cheri Gerou (R), who served on the Joint Budget Committee, agrees. “I think it’s clear that we haven’t done enough, and we’re coming to understand the value of better approaches to prevention, intervention and treatment,” she says. She supported a 13.5 percent increase in the general fund appropriation for mental health services, to “make Colorado a healthier state,” she says.

Up From Years of Cuts

Sperling and others are quick to point out that recent funding increases are dwarfed by the $4.35 billion reduction in mental health care budgets that states made collectively between 2008 and 2012.

The Texas Legislature, for example, boosted mental health spending in the 2013–15 budget by more than $250 million, or about 15 percent—the largest such increase in the state’s history. But “even with the new money,” says Texas Representative Garnet Coleman (D), a champion of mental health-care reform, “our per-capita funding for mental health is below what it was in 1999, and we’ve slipped from 43rd to 48th in the nation.”

Coleman says that mental health spending in Texas “really began to get whacked every year, starting in 2003. We were cutting programs and services even when we didn’t need to.”

Coleman laments the fact that Texas is among the states that declined to opt into Medicaid expansion—which would have increased mental health insurance coverage—calling it “a real missed opportunity. It means we’re going to have to do a lot more in terms of indigent care.”

Connecting the Dots

Although shootings spurred some legislative action on gun reform and mental health, there’s...
little independent research on the relationship between gun violence and mental health. Certain psychiatric illnesses have been linked to an increased risk for violence, but a compelling body of research suggests that the vast majority of people with mental disorders do not commit violent acts. People with mental illness, in fact, are actually more likely to be the victims of violent crime than the perpetrators.

Coleman, for one, decries the extent to which mental illness and gun violence have been linked—a connection that runs the risk of further stigmatizing and deterring people from seeking help for fear they will be viewed as deranged and violent, he says.

A recent report by Columbia University’s 2x2 Project, which focuses on public health issues, noted a 2013 Gallup poll showing a majority of Americans now believe the biggest cause of gun violence is not easy access to guns, but the failure of the mental health system to identify individuals who pose danger to others.

“The connection between mental illness and guns has crowded out the issue of gun control,” authors of the report wrote. “Although there are many reasons to invest more resources in our mental health system, there is little evidence that focusing on mental health screening—especially at the expense of gun control—will prevent shootings.”

Coleman agrees. “This is politics, pure and simple—not policy,” he says. “When increased spending on mental health doesn’t lead to a reduction in gun violence, I think we’re going to see a lot of pressure to retrench.”

**Comprehensive Packages**

Senator Charles Schwertner (R), who chairs the Texas Senate’s Committee on Health and Human Services, says that although the growing alarm over incidents like Sandy Hook

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**MENTAL ILLNESS**

**BY THE NUMBERS**

<table>
<thead>
<tr>
<th>Statistic</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Americans who experience a mental health problem every year, from anxiety to schizophrenia</td>
<td>60 million</td>
</tr>
<tr>
<td>Children and adolescents with emotional and mental disorders that significantly impair their day-to-day lives</td>
<td>10%</td>
</tr>
<tr>
<td>Portion of adults with a severe mental illness who received no treatment</td>
<td>40%</td>
</tr>
<tr>
<td>Portion of Americans receiving federal disability payments who have a serious mental illness</td>
<td>45%</td>
</tr>
<tr>
<td>People who visit emergency rooms each year due to mental illnesses</td>
<td>5.5 million</td>
</tr>
<tr>
<td>Amount hospitals lose to uncompensated care for uninsured people with mental illnesses</td>
<td>$455 million</td>
</tr>
<tr>
<td>Portion of psychiatric beds occupied by mentally ill criminal suspects awaiting trial and sex offenders who have completed their prison terms but are deemed unsafe for release</td>
<td>90%</td>
</tr>
<tr>
<td>People with mental illnesses who are in jail or prison</td>
<td>360,000</td>
</tr>
<tr>
<td>People with mental illnesses who are receiving treatment in state hospitals</td>
<td>35,000</td>
</tr>
<tr>
<td>Portion of state prisoners who are psychotic</td>
<td>15%</td>
</tr>
<tr>
<td>Counties nationwide with no practicing psychiatrist, psychologist or social worker</td>
<td>More than 50%</td>
</tr>
</tbody>
</table>

played a role in legislators’ decision to increase mental-health spending, “the things we’re funding are not tailored just to preventing gun violence.” Targets for funding include peer-support groups for veterans, crisis intervention, reducing waiting lists, creating alternatives to incarceration, expanding community mental health centers, developing supportive housing and employment. “It’s a really transformative package,” he says.

In the wake of the Sandy Hook shootings, Connecticut legislators in the spring of 2013 also approved a comprehensive package of bills weaving together mental health, school safety and gun control. The new laws target assault weapons but also include a wide range of mental health care initiatives focused on early identification and intervention and on mental health literacy.

The package also created a new statewide Children’s Mental Health Task Force and broader public information campaigns, mandatory training for teachers and other school employees in how to spot and report signs of mental disorders in children, and a major study of incarcerated youth with mental health problems.

The four other states that tightened gun laws—Colorado, Delaware, Maryland and New York—also made background checks mandatory and placed stricter limits on assault weapons and high-capacity magazines. In addition, Arkansas, New York and Tennessee passed “duty to warn” laws, requiring mental health professionals to notify law enforcement officials about patients they believe might be a danger to society.
New Policies and Practices

In its recent report on mental health legislation enacted in 2013, the National Alliance on Mental Illness grouped state initiatives into a number of categories and identified notable efforts in each category:

- **MENTAL HEALTH SYSTEM IMPROVEMENT.** Colorado lawmakers allocated $18.5 million to create a single, statewide mental-health crisis hotline, establish five around-the-clock crisis centers, increase the number of psychiatric beds, and develop housing alternatives for people with mental illnesses. Oregon legislators appropriated $67 million to expand psychiatric residential treatment programs and promote children’s mental health. The California Legislature earmarked $143 million to add hundreds of new crisis and triage positions to the mental-health workforce. And in Utah, lawmakers passed a new law aimed at integrating programs that address mental health, physical health and substance abuse.

- **SCHOOL-BASED PROGRAMS AND SERVICES.** Texas now requires training for K-12 teachers and staff to recognize and respond to signs of mental health disorders in students. Utah requires school districts to offer annual seminars to parents on mental health, including depression and suicide prevention. Maryland, Minnesota and Rhode Island passed initiatives aimed at strengthening the link between schools and behavioral health programs.

- **SUICIDE PREVENTION.** Kentucky established mandatory training requirements in suicide assessment and treatment for social workers, family therapists, professional counselors, psychologists and occupational therapists. Alaska, Oklahoma, Utah and Washington also approved new funding for suicide prevention.

- **CRIMINAL JUSTICE.** Following the lead of a dozen or so other states, Arizona laid the groundwork for creating special courts for defendants with mental illnesses. Missouri created a veterans’ treatment court to handle cases involving substance abuse or mental illness among current or former military personnel. South Dakota will allow judges to consider treatment options when imposing a sentence if a defendant who is a veteran or military service member pleads guilty or no contest.

Montana revised its probation and parole system to work more effectively with prisoners who have a serious mental illness. Minnesota established a working group to examine juvenile justice and mental health. Texas will require local mental health authorities to create jail-diversion strategies that shift people with serious mental illness out of the criminal justice system and into treatment.

- **COMMUNITY MENTAL HEALTH.** Pennsylvania has earmarked funding for community-based programs that integrate preventive care, disease management, behavioral health and pharmacy services. Texas and Minnesota approved initiatives aimed at broadening choices and increasing access to housing and employment opportunities for people who are mentally ill. Michigan allocated funds for comprehensive, home-based mental health services and a pilot program for high-intensity care management.

- **TELEMEDICINE.** Idaho, Indiana and Utah approved legislation allowing the delivery of mental health services via two-way video and other communication technology. The goal is to increase access to specialized mental health care in rural areas, address workforce shortages and integrate physical and mental health care.

While lauding these and other efforts on the part of states, the National Alliance on Mental Illness report emphasized that it will take strong and sustained efforts in coming years to rebuild public mental-health systems “to provide children, youth and adults with the mental health care they need to stabilize, recover and live healthy lives,” the report concluded.
Advice for New (and Returning) Legislators

As a jump start for new lawmakers, and a good reminder to returning ones, experienced lawmakers share some words of wisdom.

BY PEGGY KERNS

Lawmakers, the "servants of the citizenry," are arriving at state capitols to take the oath of office in historic buildings where many have served before them. For most freshmen, emotions will be running high, with varying degrees of trepidation, excitement, confidence and anxiety all mixed together.

"I was awestruck, humbled and honored," says Wyoming Representative Rosie Berger (R), recently elected House majority floor leader, about her first official day at the Capitol 12 years ago.

Last November, Americans elected 1,325 new legislators. Although some have experience in state or local government, most were elected to office for the first time two months ago. At new-member orientations, they learn the ropes, ranging from where to park to how to interpret the budget and other complex policy issues. They meet their colleagues and start building the relationships that are so crucial to being an effective legislator.

Learning the legislative landscape can be tough, however. It involves an entirely new world of different rules, different people and a somewhat different language. To help freshmen navigate through this new environment, seasoned lawmakers offer this advice.

1. Maintain your integrity and values.

Don’t lose sight of who you are. Many new legislators instantly feel more important than ever before. Fellow lawmakers will treat you as equals and you’ll receive lots of attention from lobbyists and constituents. This exaltation may be short-lived. Approach the job with humility, honesty, openness and an experience to be valued, and you will do well. Most of all be grateful for the incredible opportunity and honor to serve the public.

The legislature operates on truth and trust. Keep your word, as it’s your biggest asset. Honor your commitments. Build relationships with the media and lobbyists by being forthcoming and by avoiding any grandstanding. The press may want a good story, but you don’t have to be the one to give it to them. Most lobbyists respect the legislative institution and want to protect it. Take advantage of their wealth of facts and information, but recognize they represent only one point of view.

And keep your ambition in check. Focus on doing your job well, not on making your next political move.

Peggy Kerns directs the Center for Ethics in Government at NCSL, and is a former Colorado legislator.

2. Learn and play by the rules.

Study your state’s constitution, and master your chamber’s parliamentary procedures and rules. Get a parliamentary manual, such as Mason’s Manual. Those who know the rules have a strategic advantage over others. House clerks, senate secretaries and seasoned legislators are excellent resources. Use them.

Obeying the laws is a given, yet most major ethics scandals happen because this advice was ignored. And being ethical is more than just obeying laws. When facing gray areas, often involving conflicts of interest, ask: Does this cross the ethical line? Find a mentor and seek his or her opinion. Then follow your moral compass.

Learn the traditions and decorum of your chamber. Keep debates civil. Respect other points of view. Be open to new information. Reach across the aisle. Don’t personalize disagreements. Despite the wave of partisanship, most policy issues are not partisan. Cavort with the enemy! Remember, you no longer are campaigning, you are now governing.

Peggy Kerns
3. Engage and serve your constituents.
   Despite feeling “overwhelmed” during her first session 10 years ago, Colorado Senator Nancy Todd (D) distinctly remembers being “very aware of my obligation to serve the people.”

   Look for opportunities to connect with citizens, keeping in mind you now represent everyone in your district. Invite them to visit the capitol, survey their views and opinions, write a newsletter or blog or send emails to keep them informed of important votes. Schedule regular town meetings and coffee klatches at a local restaurant. Pop into local cafes.

   Learn early on what you can and cannot do to solve constituents’ problems. Help them find solutions, but don’t promise more than you can deliver. Know where to send them for answers to keep from getting caught in the middle of issues between constituents and agencies. And always follow through to make sure they were served.

4. Develop a policy specialty.
   Gain expertise in a policy area that interests you and your constituents, or look to fill a void. Team up with the other experts. Listen to those with experience and expertise, including staff. “Reach out to the longest serving members of the legislature and lobby corps and simply listen,” says former Florida Senate President Mike Haridopolos (R). “They know the informal culture of the capital city and how things work.”

   Give clear instructions to bill drafters, and examine the bills you introduce thoroughly, making sure your facts are correct. The committee level is where the in-depth work is done. Do your homework and you’ll build your credibility. Speak out when necessary and relevant. And don’t commit too early to other people’s bills. When taking positions and making decisions, draw a line between the needs of your constituents and personal relationships with colleagues and lobbyists. Avoid a quid pro quo mentality. Exchanging votes is banned in all legislatures.

5. Avoid freshman traps.
   Be aware of first impressions. Fair or not, opinions form early about what kind of legislator you will be. Too many freshmen introduce bills with great ideas of how to spend state money, but with no idea of where the money will come from. Understanding state budgeting is vital for all lawmakers, but different than anything you’ve encountered in the private sector. Seek help in understanding the budget from staff and veteran legislators.

   “One of the hardest lessons for new legislators to learn is that long-term vision is the primary mover of policy success,” says Indiana House Speaker Brian C. Bosma (R). “Legislators tend to think in two-year terms and two-year budget cycles, but the greatest gains come when a long-term vision is consistently pursued.”

Final Thoughts
You are part of a distinguished group. Leave the legislature as strong or even stronger than you found it. “Find some quiet time to collect your thoughts and gain appreciation for your experience as a legislator,” says Berger. She goes early to the Capitol and walks the vacant halls. “In the quiet of the morning, I absorb the history of the building. It reinforces why I chose to run and serve.”

Words to Live By
- Stay humble.
- Be honest.
- Keep your word.
- Listen.
- Have a sense of humor.
- Be open to other points of view.
- Maintain a healthy lifestyle.
- Stick to your priorities.
- Stay true to your moral core.
- Use your time wisely.
- Focus on areas of highest interest.
- Fill a vacuum in a policy area.
- Be on time for meetings.
- Meet often with constituents.
- Don’t always talk to the same people.
- Don’t promise more than you can deliver.
- Know where to draw the line.
- Keep balance in your life.
- Don’t neglect family and friends.
BOOK REVIEW

Making Ideas Matter
My Life as a Policy Entrepreneur

Available from Amazon
Reviewed by Mary Fairchild

‘Making Ideas Matter: My Life as a Policy Entrepreneur’ offers a fresh, upbeat look at the life of a legislator whose success is based on a set of values that reads like the Golden Rule. The book presents lessons about life, family and community that provide the building blocks for an effective use of power and money to achieve political goals.

Representative Dwight Evans, a Democrat, is the author and main character of the book, but it’s more about how to be an effective policymaker than an autobiography. Evans was first elected to represent Northwest Philadelphia in the Pennsylvania House in 1980, at age 26. Since then, he has accomplished more than most. He led an effort to rebuild a dilapidated neighborhood center in Philadelphia by attracting economic development investments and national anchor, RiteAid. He spearheaded the Fresh Food Financing Initiative that began with a $10 million appropriation from the Legislature and eventually spurred more than $1 billion in financing across this country and caught the attention and support of First Lady Michelle Obama. He led the effort to build a new convention center in Philadelphia despite stiff opposition from his constituents.

His vita is impressive, but what distinguishes his book from other public policy books are the stories he tells. And every story has a moral: listen to others even if you don’t agree with them; work with what you’ve got; mind your mother; work hard. As an idealistic young African-American man in the minority party during his first term, Evans faced an environment that made it difficult to get things done and challenges that made him question whether to run for a second term.

He describes being silenced during an appropriations hearing after he hammered a senior state official with unexpected questions. But with one of his guiding principles reminding him that “every problem presents an opportunity,” he carries on, is re-elected and appointed to the appropriations committee. Eventually he’s appointed chairman of the powerful committee and goes on to lead it for 20 years.

Representative Evans learns from unusual suspects. He builds relationships with members from the other party and legislators from districts that have nothing in common with his own. He learns lessons from Benjamin Franklin, conservative criminologist James Q. Wilson and the Bible.

‘Making Ideas Matter’ offers the reader a rare, behind-the-scenes look at the best of politics and how satisfying a career in public policy can be.

Mary Fairchild is a senior fellow at NCSL.
Running for school board generally is not the first thing that pops into young adults’ minds when they’re figuring out how to spend their time. But that’s what Senator Smith did. She was only 22 when she was elected to her rural school board near Sparks, Nev. Having children only increased her desire to be part of the public conversation. She became president of the Nevada PTA, a member of the National PTA Board and chair of the Council to Establish Academic Standards, where she led efforts to pass the state’s first academic standards.

The wife, mother of three and grandmother of two was elected to the Nevada Assembly in 2000 and then the Senate in 2012. Her desire to learn and collaborate drew her to NCSL, she says, where she’s been active for the last decade. She took the helm as president at the Legislative Summit last August. NCSL’s Jane Carroll Andrade sat down with Senator Smith to find out her plans and what makes her tick.

As president, what are your priorities for NCSL?
To be the biggest cheerleader for the organization. I would like to have more legislators and staff from all the states participate. We truly aren’t just bipartisan—we are nonpartisan—and I want to make sure legislators know and feel that, especially when they come to our meetings.

Why is NCSL important to legislators and legislative staff today?
NCSL can turn information around quickly and tell us what’s happening in other states. For lawmakers working in such a fast-paced environment, access to that kind of information is so important. NCSL really provides that for us.

You were pretty young when you got involved in public service. What motivated you?
I’ve always been interested in how things happen, and I’ve always wanted to have my say. I could see that the decisions being made affected me in my daily life, and eventually—when I had children—affected my children. I wanted to help influence those decisions.

We hear so much about polarization in politics. What do you do to get past that?
I try to always be respectful of another point of view. My Senate is small—there are only 21 of us—and so you really do need to work across the aisle to get things accomplished.

It worries me that in today’s environment, it seems harder to transition from the extreme polarization of the campaign environment to the legislative environment. But you have to. I think that’s becoming harder as the campaigns become more negative. At NCSL we’ve made a great effort to provide opportunities in our webinars and meetings to learn how to work with others, how to collaborate and how to reach consensus. I think we have to make a conscious effort because if we don’t, it will be to our detriment.

You talked about how much things have changed in your 12 years as a legislator—the pace of life, the ways we communicate. What has been the impact on legislators and legislatures?
Most people I talk to feel overwhelmed most of the time. They get to spend less time on, for example, working on a bill or meeting with constituents. I think that’s hard.

What is your hope for legislatures now and in the future?
I hope that a tremendous amount of effort will go into making sure that legislatures remain places where things happen, where work actually gets done, where decisions are made, where partisanship doesn’t rule everything, and where we don’t allow ourselves to get bogged down with what we see happening in Washington, D.C. And it’s going to take a conscious effort to do that.

If you weren’t a legislator, what would you be doing?
I’m sure I would be working for a nonprofit. Or, I would be apprenticing in a restaurant. I like to cook.

What is the most far-fetched item on your bucket list?
To walk the El Camino Trail in Spain. I hope to do that next year. Maybe if I say it here, I’ll make sure it happens!

What would surprise people most about you?
I like trap shooting. It’s one of the few things I do where I can’t think about anything else. Most people may look at me as not particularly outdoorsy, but that’s the thing I enjoy a lot. I’ve also completed one marathon and a few half marathons—those were big accomplishments for me.
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