STATE BUDGETS
Sunshine on a Cloudy Day

Gift Bans
Sports Stadiums
Motorcycle Helmets
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
### FEATURES

<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
<th>By</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td><strong>SUNSHINE ON A CLOUDY DAY</strong></td>
<td>Erica Michel and Mandy Rafool</td>
<td>Strong revenues brighten state fiscal forecasts, although some worry tax relief and sluggish growth could dampen the party.</td>
</tr>
<tr>
<td>17</td>
<td><strong>AN OLD-FASHIONED PRICE PLUNGE</strong></td>
<td>Arturo Perez</td>
<td>What does the dramatic drop in oil prices mean for state budgets?</td>
</tr>
<tr>
<td>20</td>
<td><strong>THE GIFT</strong></td>
<td>Peggy Kerns and Natalie O’Donnell Wood</td>
<td>In an effort to show they mean business when it comes to ethics, legislatures continue to shore up laws that ban gifts from lobbyists.</td>
</tr>
<tr>
<td>23</td>
<td><strong>TEAM PLAYER</strong></td>
<td>Louis Jacobson</td>
<td>These 10 tips can help boost the success rate of sports stadium built with taxpayers’ money.</td>
</tr>
<tr>
<td>26</td>
<td><strong>HITTING THE OPEN ROAD</strong></td>
<td>Douglas Shinkle</td>
<td>The debate over requiring motorcyclists to wear helmets revs up once again.</td>
</tr>
<tr>
<td>28</td>
<td><strong>HELPING THE HELPERS</strong></td>
<td>Julia C. Martinez</td>
<td>New state laws support millions of Americans who minister to aging relatives and form the backbone of the nation’s long-term care system.</td>
</tr>
</tbody>
</table>

### DEPARTMENTS

<table>
<thead>
<tr>
<th>Page</th>
<th>Title</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td><strong>SHORT TAKES ON NCSL NEWS</strong></td>
<td>The latest on NCSL’s resources and services</td>
</tr>
<tr>
<td>5</td>
<td><strong>STATESTATS</strong></td>
<td>How states are doing on measures of health</td>
</tr>
<tr>
<td>6</td>
<td><strong>NEWSMAKERS</strong></td>
<td>Who’s making news from around the country</td>
</tr>
<tr>
<td>8</td>
<td><strong>TRENDS</strong></td>
<td>Childhood vaccines, funding passenger trains, the problem with painkillers, population shifts and giving kids a healthy start</td>
</tr>
<tr>
<td>12</td>
<td><strong>STATELINE</strong></td>
<td>News from around the nation—from toy guns to tax talk to water worries and more</td>
</tr>
<tr>
<td>18</td>
<td><strong>ON RECORD</strong></td>
<td>Sari de la Motte, Nonverbal Communications Expert</td>
</tr>
</tbody>
</table>

> "When you show that you are both competent and that you care, that’s when charisma happens.”

| 32   | **TOOLBOX**                                                         | How to make your next media interview a less prickly experience                                   |
| 35   | **THE FINAL WORD**                                                 | NCSL Staff Chair Peggy Piety, Indiana Senior Staff Attorney, on her challenges, priorities, inspiration and hidden talent |
**SHORT TAKES ON NCSL NEWS**

State legislators and legislative staff descended on the nation’s capital to lobby Congress on states’ rights issues, hear from national experts including U.S. Transportation Secretary Anthony Foxx and economist Beth Ann Bovino, and network with one another during NSCL’s Annual Forum.

From left, Mississippi Senators Bill Stone (D) and Briggs Hopson (R) discuss the Marketplace Fairness Act and transportation funding with fellow Mississippian U.S. Representative Gregg Harper (R).

“Reflexive partisanship—disagreeing with someone or an idea just because she or he is the person saying it—is the plague of our time.”

—Pulitzer Prize-winning biographer Jon Meacham, speaking at NCSL’s Symposium for Legislative Leaders in December

“The pervasiveness of these services has really made this go from zero to 60 and it’s made legislators sit up and take notice.”

—NCSL’s Douglas Shinkle in the Hartford Courant, on the popularity of ride-sharing

“If Congress does not act, states will have to look at other funding solutions.”

—NCSL’s Mick Bullock, in The Washington Post, on extending the Highway Trust Fund

Members of NCSL’s Study Group on International Education pose with Max Baucus, U.S. ambassador to China (center), in Beijing during a tour of China in November. The study group—which includes 24 legislators and six legislative staff—is meeting with national and international experts to learn about education reform from high-performing countries.

The Alabama team, including Representatives Ed Henry (R) and April Weaver (R), second and third from left, take a photo break during NCSL’s invitational seminar, “State Strategies to Improve Health System Performance” in December. Seven states participated, working together to find innovative and effective ways to improve their health care systems.
Treading Water on Health Care

State health care systems improved in some areas from 2007 to 2012—hospital readmissions declined and childhood immunization rates went up, for example. But overall, states showed little or no progress in cutting costs, increasing efficiency or coordinating care, according to a recent report by The Commonwealth Fund, a nonpartisan foundation that supports research on health and social issues.

The number of Americans with access to primary health care fell in half the states and more people delayed getting treatment, according to the report. People who seek care in emergency rooms as a last resort drive up costs.

Researchers looked at 42 health indicators over the five years, which included the Great Recession and preceded the coverage expansion and other reforms of the Affordable Care Act, including the rates of obesity, adult smoking, breast cancer deaths and infant mortality, along with areas such as the number of adults who went without care because of the cost and number of nursing home residents with pressure sores.

“More often than not, states exhibited little or no improvement. Access to care deteriorated for adults, while costs increased,” the report says.

With health care consuming, on average, 30 percent of state budgets (the bulk for Medicaid and state employees), legislators take keen interest in finding ways to strengthen the system to accommodate more people, including creating payment models that support primary care and the medical home model of care. The latest Scorecard report indicates they have their work cut out for them.

—Martha King

State Health Systems

How states ranked on 42 measures of the availability, quality, costs and results of their health care systems, between 2007 and 2012

Room for Improvement

How States Did on Specific Measurements of Health

States’ performances in specific areas of health care varied tremendously. Only a few states stood out for improving on several measures while declining on only a few: Colorado improved on 16 measures and declined on only six; Maryland improved on 14 and declined on four; New Hampshire improved on 15 and declined on six, and New York improved on 16 and declined on seven.

The Portion of Adults With a Regular Source of Health Care

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S.</td>
<td>80%</td>
<td>78%</td>
</tr>
<tr>
<td>Alabama</td>
<td>82</td>
<td>80</td>
</tr>
<tr>
<td>Alaska</td>
<td>72</td>
<td>63</td>
</tr>
<tr>
<td>Arizona</td>
<td>76</td>
<td>75</td>
</tr>
<tr>
<td>Arkansas</td>
<td>84</td>
<td>78</td>
</tr>
<tr>
<td>California</td>
<td>72</td>
<td>73</td>
</tr>
<tr>
<td>Colorado</td>
<td>79</td>
<td>77</td>
</tr>
<tr>
<td>Connecticut</td>
<td>87</td>
<td>86</td>
</tr>
<tr>
<td>Delaware</td>
<td>90</td>
<td>87</td>
</tr>
<tr>
<td>DC</td>
<td>80</td>
<td>79</td>
</tr>
<tr>
<td>Florida</td>
<td>78</td>
<td>76</td>
</tr>
<tr>
<td>Georgia</td>
<td>80</td>
<td>75</td>
</tr>
<tr>
<td>Hawaii</td>
<td>85</td>
<td>85</td>
</tr>
<tr>
<td>Idaho</td>
<td>73</td>
<td>71</td>
</tr>
<tr>
<td>Illinois</td>
<td>82</td>
<td>83</td>
</tr>
<tr>
<td>Indiana</td>
<td>84</td>
<td>82</td>
</tr>
<tr>
<td>Iowa</td>
<td>84</td>
<td>83</td>
</tr>
<tr>
<td>Kansas</td>
<td>84</td>
<td>79</td>
</tr>
<tr>
<td>Kentucky</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Louisiana</td>
<td>79</td>
<td>77</td>
</tr>
<tr>
<td>Maine</td>
<td>89</td>
<td>88</td>
</tr>
<tr>
<td>Maryland</td>
<td>84</td>
<td>84</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>89</td>
<td>89</td>
</tr>
<tr>
<td>Michigan</td>
<td>86</td>
<td>84</td>
</tr>
<tr>
<td>Minnesota</td>
<td>80</td>
<td>76</td>
</tr>
<tr>
<td>Mississippi</td>
<td>77</td>
<td>74</td>
</tr>
<tr>
<td>Missouri</td>
<td>84</td>
<td>79</td>
</tr>
<tr>
<td>Montana</td>
<td>72</td>
<td>73</td>
</tr>
<tr>
<td>Nebraska</td>
<td>84</td>
<td>82</td>
</tr>
<tr>
<td>Nevada</td>
<td>72</td>
<td>67</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>88</td>
<td>88</td>
</tr>
<tr>
<td>New Jersey</td>
<td>86</td>
<td>83</td>
</tr>
<tr>
<td>New Mexico</td>
<td>75</td>
<td>70</td>
</tr>
<tr>
<td>New York</td>
<td>84</td>
<td>83</td>
</tr>
<tr>
<td>North Carolina</td>
<td>78</td>
<td>76</td>
</tr>
<tr>
<td>North Dakota</td>
<td>78</td>
<td>74</td>
</tr>
<tr>
<td>Ohio</td>
<td>85</td>
<td>81</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>79</td>
<td>76</td>
</tr>
<tr>
<td>Oregon</td>
<td>78</td>
<td>78</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>90</td>
<td>87</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>85</td>
<td>87</td>
</tr>
<tr>
<td>South Carolina</td>
<td>82</td>
<td>78</td>
</tr>
<tr>
<td>South Dakota</td>
<td>81</td>
<td>78</td>
</tr>
<tr>
<td>Tennessee</td>
<td>85</td>
<td>79</td>
</tr>
<tr>
<td>Texas</td>
<td>72</td>
<td>68</td>
</tr>
<tr>
<td>Utah</td>
<td>78</td>
<td>74</td>
</tr>
<tr>
<td>Vermont</td>
<td>87</td>
<td>88</td>
</tr>
<tr>
<td>Virginia</td>
<td>80</td>
<td>78</td>
</tr>
<tr>
<td>Washington</td>
<td>79</td>
<td>77</td>
</tr>
<tr>
<td>West Virginia</td>
<td>79</td>
<td>76</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>86</td>
<td>82</td>
</tr>
<tr>
<td>Wyoming</td>
<td>74</td>
<td>69</td>
</tr>
</tbody>
</table>

Source: The Commonwealth Fund, Aiming Higher: Results from a Scorecard on State Health System Performance, 2007 - 2012, published May 2014
It’s lonely being a Republican in the Hawaii Legislature, and it got a bit more lonesome when House Minority Leader Aaron Johanson, a rising star in the GOP, announced he was leaving his caucus to become a Democrat. The eight-member Republican caucus shrank to seven. (Of the 25 members of the Senate, one is a Republican.) Johanson’s decision raised the indignation of some of his GOP colleagues, and the sympathy of others. The then two-term lawmaker at 32 was the youngest minority leader in years when the GOP elected him to the post in 2012. But following the November election, the caucus couldn’t organize because some members thought he collaborated too much with Democrats and should be replaced.

The influence of Iowa’s two legislative leaders stretches far beyond their individual chambers and state. Senate Majority Leader Mike Gronstal and House Speaker Kraig Paulsen head up their respective party’s campaign organizations for statehouse candidates around the country. Gronstal has been the chair of the Democratic Legislative Campaign Committee since 2007 and will continue in 2015. He is also vice president of NCSL. Paulsen is the incoming chair of the Republican Legislative Campaign Committee.

“Longtime political consultant Greg Hartley is the new chief of staff for the Utah House of Representatives. Speaker Greg Hughes appointed Hartley, saying, ‘Nobody thinks more strategically and nobody works harder.’ Hartley has been a campaign strategist for former Governor John Huntsman Jr. and current Governor Gary Herbert, as well as Hughes. He replaces Joe Pyrah, who served as chief of staff for the past four years for former Speaker Becky Lockhart.”

“The biggest concern and opposition you hear from conservative legislators is, ‘We don’t want Washington dictating curricula.’” Utah Senator Curtis Bramble (R), discussing the likely debates on education in 2015 legislative sessions, in The Washington Post

“I would like to see it overturned or reversed. I think it’s one of the biggest mistakes made in a long time.” Colorado Representative Lois Landgraf (R) on the passage of Amendment 64, which legalized recreational marijuana, in the Colorado Springs Gazette.
Connecticut’s new Senate president pro tem knows the Heisman Trophy winners back to 1935—and the state’s most important bills in the past 30 years. Senator Martin Looney (D) has spent 34 years in the House and Senate and 12 years as Senate majority leader, and has demonstrated a remarkable memory for details, including the death threats he received after voting for an assault weapons ban in 1993. He has a reputation for being a consensus builder and unflappable. The son of Irish immigrants and an only child whose father helped organize the union at the now-closed Winchester Repeating Arms gun factory, Looney practices law and is an adjunct professor at the University of New Haven and Quinnipiac University. “He is a perfect example of a man who I disagree with fundamentally on many issues, but whom I have the highest respect for,” says Senator Joseph Markley (R). “If I can’t have a Republican as president of the Senate, I’ll have Martin Looney.”

“Many people think that government tends to be reactive. But some things are happening so quickly that we have to be proactive and get out ahead of them.”

Connecticut House Speaker Brendan Sharkey (D) in the Hartford Courant, about crafting public policy in the face of emerging technologies, from big data to drones.

Two West Virginia Republicans are making history. Speaker Tim Armstead and Senate President and Lt. Governor Bill Cole are the first Republicans to take the rostrum since the Capitol building opened in 1932. Through the Great Depression, 14 presidents and 16 governors, no Republican has wielded the gavel in either chamber. But that changed when Armstead, a 16-year House veteran, helped his party win control of the West Virginia House for the first time in 83 years. The November election threw the Senate into a tie, something that happened twice before—in 1910 and 1912. But a day after the election, Democratic Senator Daniel Hall switched parties and gave the GOP control of both chambers. The Senate selected Cole, first elected to the Senate in 2012.

Missouri Representative Patricia Pike (R) took the oath of office in January, inspired by her husband’s “passion for service” and hopes to emulate his dedication and compassion as she fills his shoes in the Legislature. Randy Pike, a first-term lawmaker, died in September. His wife was appointed to serve out his term and was elected to his seat in November. Patricia Pike called it an “honor to follow the many fine representatives who have been elected before me in this position.”
Calling the Shots

This is the season when flu, colds and other illnesses keep kids home from school, and while many illnesses are routine and unavoidable, others are serious and often preventable.

For states, they’re also costly.

In 2012, for example, 414 Colorado children, most of them under age 4, were hospitalized with vaccine-preventable diseases, such as pertussis and varicella, resulting in estimated hospital charges of $26.6 million and other related costs, including missed work days for parents.

In Colorado and other states, lawmakers have debated vaccine laws for schoolchildren in an effort to reduce the number of avoidable hospitalizations and limit disease outbreaks and suffering, while also respecting parents’ rights to make health care choices for their children.

All states require kids to have certain shots to enroll in school so that preventable diseases don’t spread, but they do grant exceptions for medical reasons, such as a weak immune system. Additionally, most states allow exemptions based on religious grounds, and at least 20 states allow parents to refuse vaccinations for their children for personal or philosophical reasons. Some parents believe vaccines don’t help, or that shots can make their kids sick or cause certain disorders. Others consider mandatory vaccinations government overreach.

It’s a tough conversation for legislatures because it involves competing rights and values and deciding whether government or parents have the final say. “Exemptions to school immunization requirements continue to be an issue for discussion and debate in many state legislatures,” say authors of a 2014 study published in the Journal of the American Medical Association.

Between 2009 and 2012, lawmakers in 18 states introduced 36 bills involving vaccine exemptions, 31 of which would have made opting out of shots easier. None of the 31 passed, largely because of strong evidence that withholding vaccinations leads to outbreaks of measles, whooping cough and other diseases. States with easier exemption policies were “associated with a 90 percent higher incidence of whooping cough in 2011,” according to a 2013 Institute of Medicine report.

Children who are vaccinated against preventable diseases such as influenza and whooping cough also have fewer doctors’ visits, hospitalizations and premature deaths, say the Centers for Disease Control and Prevention.

California, Vermont and Washington now require parents who want exemptions to get a doctor’s signature. In Oregon, parents must get a doctor’s signature or watch a video about the risks and benefits of vaccines. In Colorado, where whooping cough cases have topped a 60-year high, lawmakers passed HB 1288 in 2013 requiring schools to collect and make publicly available information about their vaccination and exemption rates.

—Kristine Goodwin

Required Vaccinations

Vaccines commonly required for child care and kindergarten admission include:

- DTaP (Diphtheria, Tetanus, Pertussis)
- Hepatitis A
- Hepatitis B
- Haemophilus influenzae type b
- Measles, Mumps and Rubella (MMR)
- Pneumococcal-P Conjugate Vaccine
- Polio
- Varicella

Types of Exemptions Allowed for School and Child Care

- Medical, religious, personal belief
- Medical, religious
- Medical, personal belief
- Medical only

* Arizona: personal belief exemption permitted for school only
** Missouri: personal belief exemption permitted for child care only

Source: Immunization Action Coalition, June 2014
On Track With Trains

The federal government created Amtrak in 1971 to resurrect passenger rail service—once the nation’s primary mode of long-distance travel. Although Amtrak has yet to turn an annual profit and has required continual federal subsidies, the government and many states continue to find value in passenger rail transportation.

To help Amtrak financially, the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) required states to share costs for intercity routes of less than 750 miles, which 19 states now do.

Congress and the states are grappling with how to balance funding popular passenger rail service in high-density areas while supporting long-distance routes that are not as cost-effective. Last year, Amtrak’s ridership grew 0.2 percent to 30.92 million riders and revenue rose 4 percent to a record $2.19 billion. In the Northeast, ridership grew 3.3 percent to a record 11.6 million passengers and revenue was up 8.2 percent. In 2013, the Northeast was responsible for almost 38 percent of total Amtrak ridership and 54 percent of its revenue.

On the flip side, its national long-distance network saw a 4.5 percent decline in riders and a 2.9 percent decline in revenue.

Given PRIIA’s expectation that states will help fund and maintain passenger rail, legislatures and transportation departments are using a variety of approaches to ensure a high-quality passenger rail service. New York, for example, has agreed to pay the $22 million difference between revenues and costs for four Amtrak lines that cross the state.

In the Pacific Northwest, Amtrak’s Cascades carried more than 800,000 passengers in 2013 on a route linking Portland, Ore., Seattle, Wash., and Vancouver, British Columbia. The Washington Legislature appropriated $40 million for 2013-2015 to operate it, and the state has received almost $800 million in federal support for capital improvements. Oregon’s legislature provided nearly $30 million for 2013-2015 and received about $20 million in federal funding. Ticket revenues cover 60 percent of operating costs.

Colorado, Kansas and New Mexico are working together to provide capital investments in Amtrak’s Southwest Chief, which runs from Chicago to Los Angeles over tracks primarily owned by BNSF Railway. Some states are creating their own systems. In the early 2000s, New Mexico started funding and operating passenger rail service between Albuquerque and Santa Fe. In Florida, a private consortium is set to unveil high-speed rail between Orlando and Miami in late 2016. Also, construction on California’s controversial Los Angeles to San Francisco high-speed rail line is finally getting under way. It will be funded by a voter-approved ballot measure, federal grants and 25 percent of the state’s carbon cap and trade revenues.

The U.S. House Transportation and Infrastructure Committee in September approved the Passenger Rail Reform and Investment Act of 2014 (PRRIA) to pay for Amtrak operations for four years, but at 40 percent less than current levels. The reauthorization would also continue a state capital grant program at $300 million annually and include provisions to boost private-sector involvement, such as development near train stations.

—Ben Husch and Douglas Shinkle

Painkillers Are Killing Us

States are on the front lines of a drug overdose epidemic that kills an estimated 113 Americans every day—more than die from motor vehicle crashes, according to the Centers for Disease Control and Prevention.

As legislators and health experts discuss in a new NCSL video, “Prescription Drug Overdoses: An American Epidemic,” the crisis is devastating families and costing states millions of dollars in health care, lost productivity and law enforcement.

Drug overdose deaths in the United States have tripled since 1990, primarily due to increasing rates of prescription opioid painkiller abuse and accidental misuse, the CDC says. The agency is helping states fight the epidemic with grants designed to beef up states’ prescription drug monitoring programs and evaluate policies.

Kentucky, Oklahoma, Tennessee, Utah and West Virginia recently were awarded “Prescription Drug Overdose: Prevention Boost” grants by the CDC. Over the next three years, the agency will provide more than $6 million to health departments in these states, all of which have high overdose rates and have plans in place to reduce them.

—Melissa K. Hansen

To watch the video and learn more about the grants, go to www.ncsl.org/magazine.
To play the game, you have to know the rules.

Order your copy of Mason’s Manual of Legislative Procedure

Used by more than 70 percent of the nation’s legislatures, Mason’s Manual is the only parliamentary manual designed specifically for state legislatures. The current edition features up-to-date citations of case law, extensive internal cross references and a user-friendly index.

Legislators and legislative staff receive Mason’s Manual for the low rate of $60 per copy - a 20% discount. Get ready for session by ordering yours today.

Order now at www.ncsl.org/bookstore
Florida has overtaken New York as the third most populous state, thanks in part to brutal winters up north and an improving jobs market in the Sunshine State. California and Texas maintained their first and second places. Other Sun Belt states also felt the love: Census data show the 10 fastest-growing states were in the South or West, with the exception of oil-rich North Dakota.

**19.9 million**
Florida’s 2014 population. New York’s was 19.7 million.

**803**
Average number of residents Florida added daily.

**No. 1**
California’s rank by population—38.8 million—followed by Texas at 27 million.

**2.2%**
Population increase in North Dakota, the fastest-growing state. The next-biggest booms were in Nevada and Texas, which both saw 1.7 percent growth.

**451,321**
Number of people Texas gained, the largest numeric increase of any state, followed by California, Georgia, Arizona, North Carolina, Washington, Colorado, South Carolina and Virginia.

**1 million**
Immigrants who arrived in America last year.

**318.9 million**
U.S. population last year, an annual increase of roughly 2.4 million, or 0.75 percent, the slowest growth rate since 1937.

**6**
States that lost population, including Alaska, Connecticut, Illinois, New Mexico, Vermont and West Virginia.

Sources: U.S. Census Bureau data, July 1, 2013 to July 1, 2014, released Dec. 23, 2014; USA Today, Dec. 23

---

Three Ways to a Healthy Start

Gone are the days when kids came home from the pediatrician’s office with only a wild pink Band-Aid as a badge of honor. In all 50 states, in more than 5,000 Reach Out and Read program sites, doctors’ offices are handing out children’s books to patients and their parents—and talking about the importance of early reading.

Reach Out and Read, a nonprofit organization of medical providers that promotes early literacy and school readiness, focuses mostly on low-income families, giving children 6 months to 5 years of age a new book to take home as part of their well-child visit. In its more than 25 years of existence, Reach Out and Read serves an estimated 4.2 million children annually and distributes more than 6 million books each year. Fourteen states currently invest state and federal funds to support local Reach Out and Read.

Another 23 states are duplicating a Connecticut program in which doctors and medical workers are on the alert for developmental and behavioral problems in children so they can direct their parents to community resources. “Help Me Grow” (HMG) connects at-risk children with existing early childhood health services, helping to control unnecessary health care costs. The program, started by a Connecticut physician and later funded by that state’s legislature in 2002, includes four components:

- A call center to connect families to services and to give professionals—including child health care providers, child care providers and teachers—information, help and referrals for children;
- Outreach to pediatricians and other child health care providers to encourage them to conduct child developmental screenings and to use the call center;
- Community outreach to promote use of the program;
- Data collection by the call centers on caller demographics, how callers heard about the service, what help is needed and outcomes so the service can improve.

The initiative has connected thousands of families to community resources and has saved states millions of dollars in expensive, sometimes unnecessary, medical services. According to its 2013 annual report, Connecticut’s Help Me Grow Infoline helped more than 18,300 parents, doctors and child care providers with support and referrals to services such as parent education, programs for children with developmental disabilities and mental health services.

Across the nation, several states use the American Academy of Pediatrics’ Bright Futures guidelines as the official standard of care for physicians who care for children enrolled in Medicaid.

The guidelines offer physicians checklists and questionnaires to use with their patients from infancy to late adolescents to help them talk about nutrition, safety and mental health risks, among other things. Launched in 1990, Bright Futures provides families and health care workers with educational materials and practical tools, including oral health pocket guides and mental health risk assessments.

All three programs are advancing what research is showing to be the importance of positive early childhood experiences on health and well-being throughout a child’s life. Working together to address all the various needs of a child “is critical to building a foundation of lifelong health,” according to a new report by the Robert Wood Johnson Foundation. Moreover, the Foundation finds that early childhood experiences are tied to health, brain development and long-term social issues such as academic performance, teen pregnancy, income level and criminal behavior.

—Kristine Goodwin, Julie Poppe, Robyn Lipkowitz
1 DON’T MESS WITH THE DRESS
Montana House Republican leaders issued a dress code in December that declared “formal business attire” the new law of the land. It went over like sable swag bags at a PETA convention. The one-page document banned denim, fleece, flip-flops, open-toed sandals and leggings and instructed women to “be sensitive to skirt lengths and necklines.” House Minority Whip Jenny Eck, a Democrat, couldn’t resist a bit of sarcasm. “Women can be trusted to get up in the morning and dress appropriately,” she told the Billings Gazette. Republican leaders conferred with Democrats and reduced the code to one sentence that asks lawmakers to “dress in professional business attire.”

2 PASSING THE TEST
Michigan welfare recipients suspected of using illegal substances must take drug tests under a new pilot program. If they test positive, they must complete a treatment program or lose their benefits. Refusing to take the test will also cost them their benefits. Eleven states have approved legislation to require drug testing of people on public assistance, but results have been uneven. Supporters say they deter drug use, while critics say tests cost more than they save and fail to weed out abusers.

3 DIVINE PRESENCE
Kentucky legislators were greeted by new wall hangings in 11 committee rooms this session. Circular state seals, roughly 13 inches in diameter, carry the national motto, “In God We Trust,” across the top. Legislation to produce them was introduced by Senator Albert Robinson (R) and approved by lawmakers in March. Asked why the signs are needed, Robinson told the Lexington Herald-Leader, “I feel like this nation was and is established by God. We need to show the same respect in the committee rooms that we show in the Senate and House chambers,” where the motto already hangs. ACLU officials oppose any public display of the national motto, but courts generally have ruled in favor of the displays.

4 FLU FIGHTERS
South Dakota had a 57.4 percent flu vaccination rate in 2013-14, the highest in the nation, a new report finds. The lowest was in Nevada at 36.4 percent, according to “Outbreaks: Protecting Americans from Infectious Diseases, 2014” by the Robert Wood Johnson Foundation, which cites Centers for Disease Control and Prevention data. Fourteen states vaccinated 50 percent of their population or more, and 43 states vaccinated 40 percent or more. Nationally, the rate was 58.9 percent for children and 36.7 percent for adults ages 18 to 64. The federal government has set a goal for states to vaccinate 70 percent of their populations by 2020.

5 REPORT KNOCKS PRISONS
A Nebraska legislative panel has issued a scathing 62-page report on the state’s overcrowded prison system and early release of dangerous inmates, stating that a lack of leadership has compromised public safety. The committee formed in 2013 to investigate the release of an inmate who killed four Omahans shortly after leaving prison in July of that year. The committee said then-Governor Dave Heineman’s failure to declare an overcrowding emergency created a culture in which administrators dealt with crowded conditions “in the shadows” and at times outside the law. The governor accused lawmakers of hypocrisy, saying they were aware as early as 2006 that a new prison might be needed, but never pursued legislation to build one.
WATER WORRIES
Arizona, California and Nevada have agreed to add as much as 3 million acre-feet of water to Lake Mead, the Colorado River reservoir that supplies much of the Southwest with water. They plan to accomplish it mainly through conservation measures and changes in how they manage the water, including adding reservoirs. Due in large part to a 14-year drought, Lake Mead, in Arizona, is about 40 percent full—only about 10 feet above the point at which the federal government would declare a shortage and begin rationing water to downstream users. The U.S. Bureau of Reclamation now predicts that it could occur as soon as spring of 2016, and is likely in 2017, the New York Times reports.

TOYS TRIGGER TRAGEDIES
State lawmakers are looking for ways to help police distinguish toy guns from the real thing in the wake of recent shootings. A new California law says toy guns must now be a bright color. Similar legislation is likely in Ohio where a 12-year-old boy with a BB gun and a 22-year-old man with an air rifle were killed in separate incidents by police who believed they had loaded weapons. Ohio Representative Alicia Reece (D) plans to introduce a bill requiring toy and replica guns to be brightly colored or have prominent fluorescent strips. Federal law requires toy gun manufacturers to add an orange plastic safety cap on the barrel to identify it as a toy, but kids often remove or paint over them.

WE'RE RICH!
Florida’s rebounding economy is expected to bring in $1 billion more this year than was forecast, and the news has spread fast. State agencies are making pitches to state lawmakers, who control about a third of Florida’s nearly $80 billion budget, for a piece of the haul. House Speaker Steve Crisafulli (R) promised to make tax relief for families a priority. Governor Rick Scott is pushing tax cuts and increased education funding. Florida’s Department of Environmental Protection wants $75 million for Everglades cleanup, and the Department of Economic Opportunity wants $100 million in economic incentive money. Tough choices, but a welcome change for lawmakers, who faced a $7 billion budget shortfall in 2009.

TAX TALK
Pennsylvania is the largest natural gas-producing state without a severance tax, but that may change. First-term Governor Tom Wolf wants to tax drilling companies to increase funding for education and other programs. In 2013, Pennsylvania accounted for nearly 13 percent of U.S. marketed natural gas, second only to Texas. A 5 percent severance tax would raise an estimated $525 million to $675 million a year at current prices. Some lawmakers have voiced support of the tax; others worry it would drive away big gas companies, the York Daily Record reported.

BIGGEST JOB GAINS
Nearly every state added jobs in 2014, and more than a dozen states added at least 50,000. North Dakota’s jobs total grew by 4.8 percent between December 2013 and November 2014, the largest percentage gain of any state, according to the U.S. Bureau of Labor Statistics. States with biggest gains in numbers of jobs were: Texas 417,000, California 327,000, Florida 216,000, North Carolina 99,000, and Georgia 91,000.
After several years of dreary state revenue growth, the future of state finances is looking a bit brighter. But don’t pull out those Ray-Bans just yet. Although the short-term outlook is good in most states, many legislative fiscal directors remain cautious about the coming year and beyond, according to NCSL’s latest state fiscal survey. Matters are further complicated by falling oil prices and what effects that might bring in economic terms.

Revenues Rosy

The immediate future for state budgets, however, is looking fairly upbeat. Although low energy prices present challenges to the handful of states that rely heavily on oil production taxes, for consumers and the rest of the country, low fuel costs are good news. “We expect the drop in oil prices to be a net gain for the U.S. economy,” says Beth Ann Bovino, chief U.S. economist at Standard & Poor’s. “Low gas prices will continue to support spending,” she says.

Any increase in consumer spending will only strengthen state general fund revenues, which already are expected to be greater this fiscal year than last in a majority of states.

According to NCSL’s fiscal survey, five states

Mandy Rafool is a program principal and Erica Michel is a research analyst in NCSL’s Fiscal Affairs Program.
anticipate revenue will surpass their original estimates, and 35 states and the District of Columbia expect revenues to meet their targets. Only six states expect revenues to come in lower than anticipated in fiscal year 2015.

Five states anticipate revenue above their estimates, while six states expect their revenues will be lower than anticipated at the close of the fiscal year.

A close look at revenues shows that the major tax categories are generally performing well. Personal income taxes, which account for the largest percentage of total state tax collections, are expected to exceed or meet revenue estimates in 28 states.

General sales taxes are also relatively strong, with 32 states meeting or exceeding their revenue estimates. With consumers paying less at the pump, many economists are now predicting an uptick in consumer spending, which could lead to an even rosier picture for state sales tax collections if gas prices stay low.

Corporate income tax collections, a notoriously volatile revenue source for states, are also on target or above estimates.

Several states also levy a tax on real estate transfers, which can be a good indicator of the health of the housing market. Nearly half the states levy these taxes and at the time of NCSL’s survey in November and December, collections were mixed. Real estate transfer taxes were exceeding expectations in four states and D.C. and meeting revenue targets

Job creation is always a top issue for state lawmakers, so healthy job growth numbers are welcome news to start the year. But some states are not only looking to create new jobs for the future, but also thinking about how to replace retiring workers. This might be especially difficult, as many industries require highly skilled employees. Holly Lyons, a fiscal director with Iowa’s Legislative Services Agency, says, “Like many states, Iowa has an aging labor workforce. With the retirement of many baby boomers, filling those vacated jobs and creating new jobs will continue to be a challenge.”
in 13 states. This appears consistent with confidence in the housing market as a whole. According to the National Association of Home Builders, the Housing Market Index was fairly stable through the last half of 2014, and showed expectations of slow, gradual growth in the housing market.

**Stable Spending**

In addition to a positive revenue outlook, the spending side of the ledger is also relatively stable in most states. Although about half the states currently have one or more programs running over budget, many of them note overruns are relatively minor.

Medicaid spending is exceeding budgets in 14 states, with many citing caseload increases as a primary reason. Inmate medical costs have put pressure on corrections budgets, leading to spending overruns in several states. Eight states also report K-12 education programs are over budget for a variety of reasons. Fire suppression is over budget in both Washington and Oregon after a particularly difficult wildfire season, and Washington’s natural disaster budget is in the red after a deadly mudslide last year.

**Slower Than Desired**

Although revenues are up, their growth rates in most states have been slow and modest. And in many states, growth rates have not returned to the levels seen before the economic downturn.

Perhaps most concerning, several officials indicated that revenue growth in their state is not keeping pace with spending. Nandana Kalupahana, with Hawaii’s House Committee on Finance, says, “Even though Hawaii ended FY 2014 with a $664 million surplus, and a surplus is again projected at the end of FY 2015, a budget deficit is projected for 2018. The state currently has a structural problem where expenditures are outpacing revenues for the next five years.”

In Arizona, long-term annual revenue growth approached 7 percent before the Great Recession. Today, the state faces an ongoing annual structural shortfall of at least $300 million to $400 million. “Given the increased size of the state compared to 20 or 30 years ago, and the change in other nationwide demographics, we may need to reset our idea of ‘normal’ revenue growth. It might be difficult to see 7 percent growth in the future,” says Richard Stavneak, director of the Joint Legislative Budget Committee in Arizona.

**On the Horizon**

Concerns over future revenue growth are exacerbated in many states that have implemented tax relief measures.

It’s no secret that lawmakers like to cut taxes when they can, and that is exactly what has been happening over the past few years as state revenues have slowly recovered. In the past three years, more than half the states have experienced some degree of tax reduction.

When asked to report their biggest revenue challenges for the coming year, legislative fiscal directors brought up a host of issues, many of them related to the revenue impact brought about by tax reductions.

Lawmakers in North Carolina, for example, cut taxes in 2013 by consolidating personal income tax brackets and lowering the rate. They also reduced the corporate income tax, which will continue to decrease as long as revenue targets are met. At the same time, they broadened income and sales tax bases through the elimination of several deductions and exemptions. They made some additional changes to the tax code in 2014 as well, and there has been talk of even more changes this year. The early indicators on state performance are mixed, and analysts expressed some concern over the prospect of making additional tax changes without time to fully understand the impact of the initial actions.

Another issue analysts brought up is the possibility of tax reductions at the federal level and what that could mean for revenues in states where tax systems are intrinsically tied to the federal code.

Other revenue concerns were raised by fiscal directors in states with expiring taxes. Illinois, for example, is facing a revenue reduction of more than $6 billion, starting Jan. 1, as personal and corporate income tax rates go back to their 2011 levels. Maine’s temporary tax increase on sales, meals and lodging will sunset in July. And in California, a faint blip already can be seen on the state’s fiscal-health radar screen as temporary income and sales tax increases, which generate more than $10 billion in revenue, start to phase out in 2017.
An Old-Fashioned Price Plunge
What does the dramatic drop in oil prices mean for state budgets?

BY ARTURO PÉREZ

G lobal oil prices have plunged at break-neck speed, falling to under $50 a barrel by the start of 2015. This is more than a 50 percent drop from the high of $105 a barrel set last summer.

Crude oil prices are now at their lowest level since 2009, when weak economic conditions curtailed global consumption significantly. If gasoline prices at the pump continue to hover around $2 a gallon, as they did in early January, the average American family will save around $550 in motor fuel costs this year, according to the U.S. Energy Information Administration.

This is good news for consumers, but for states with an oil extraction industry that provides not only jobs, but revenues through severance taxes, the oil price slump is nothing to celebrate. The current glut of oil in the world market is largely the result of lower demand and greater production.

The weak economies in Europe and parts of Asia have created a slack in demand while a surge in U.S. production from new drilling technologies has added to the global oil supply. In particular, the development of shale oil deposits, such as the Bakken oil field in North Dakota and the Eagle Ford shale in Texas, have helped push U.S. oil production up to levels not seen since 1986. In addition, the Organization of the Petroleum Exporting Countries (OPEC) decided in late 2014 to maintain production levels despite the oversupply.

In Alaska, where petroleum revenue accounts for about 80 percent of the state’s unrestricted revenue, the oil price slump is already having a severe impact. The state faces an estimated $3.5 billion budget gap, which is about 60 percent of the expenditures originally approved for fiscal year 2015.

With “the decline in the price at the pump smaller here than in other states,” says David Teal, director of the Alaska Legislative Finance Division, “I don’t see many positive effects from the decline in crude oil prices.” The governor is expected to propose a new budget with significant cuts, and a large withdrawal from the state rainy day fund will likely be needed to balance the budget. Louisiana and New Mexico face similar challenges.

In Texas, the largest oil producing state in this country by far, the fall in crude oil prices has definitely captured the attention of state officials. But the state’s economy, now larger and more diverse than it was during the major oil price bust of 1986, is better insulated to protect it against such blows. In the current biennial budget, for example, oil production taxes are expected to account for only 6.6 percent of total taxes compared to more than 25 percent during the 1980s oil price slump. And if consumer spending in Texas increases because of decreases in the cost of motor fuel, the wallop from this reverse price shock may not be so bad in the land of “Texas tea.”

“The resulting lower fuel costs should reduce the price of transporting goods, which is great for consumers and ultimately our economy,” the state’s newly elected comptroller, Glenn Hegar, said in his speech after being sworn in. “In fact, the average taxpayer will see the equivalent of a 2 percent pay raise as a result of the lower fuel prices,” he said.

Most state lawmakers are hoping that paltry prices at the pump will spark economic growth, especially those in states where the energy extraction industry has a small footprint.

In Utah, which produces 3.5 percent of the oil Texas does and ranks 11th overall in crude oil production, falling prices at the gas pump are expected to free up disposable income for Utah residents to spend on other things, resulting in “a net positive for the state,” says Andrea Wilko, chief economist for the Legislative Fiscal Analyst Office.

State budgets will benefit from cheaper fuel in other ways as well, from lower operating costs for state motor vehicle fleets to less expensive asphalt for road construction and repairs.

Two of the biggest questions facing state policymakers regarding the fall in oil prices are difficult to answer: How long will prices remain depressed and how low will prices fall? Prices are not likely to increase until global production and demand fall back into sync, and many analysts estimate that may not occur until much later this year.
Sari de la Motte is founder and CEO of FORTE, a communications consulting firm in Portland, Ore., that specializes in nonverbal intelligence. She has coached Fortune 500 executives, trial attorneys, government officials and educators on how to inspire those around them by focusing more on the messages they convey with their eyes, body, voice and breath than by the words they say. Assistant Editor Mary Winter interviewed de la Motte at the NCSL Legislative Summit.

State Legislatures: What does nonverbal intelligence mean and why is it important?
Sari de la Motte: Nonverbal intelligence is the ability to be aware, adaptable and authentic in your communication. First, to be aware both of your nonverbal communication and other people’s nonverbal communication. Then it’s being adaptable so that you know what you’re seeing and how to change to make sure that good communication is happening, all while remaining authentic.

People define nonverbal intelligence differently, but it’s not just about body language. For example, with body language or nonverbal communication courses, the first thing that comes up is how to tell if people are lying, supposedly by watching for blinking eyes and sweating palms, but I think that’s missing the entire point of communication. A lot of the body language stuff out there isn’t helpful or useful; a lot of the body language tricks are very inauthentic and borderline manipulative.

SL: Which voice pattern affects how receptive people are to your message?
SM: Neither one is good or bad; it’s more about timing. In fact a lot of communication is timing. When you’re trying to describe an issue, you want to communicate with an authoritative voice pattern. And when you hear the authoritative voice pattern, you want to match it by also going authoritative.

If you hear the approachable voice pattern, you want to also use your approachable voice pattern. We somehow often get those mixed. But voice pattern is a great way to cue in to what people are needing in the moment because they often don’t tell us verbally; they tell us nonverbally.

SL: What advice can you give to engage an audience?
SM: Show up as your real self. So much presenting is often just read, but really good presenting can be just going out and being yourself with the audience. I worked with someone who said, ‘I hate presentations because I feel like I can’t be myself.’ I replied with, ‘Being yourself is the only thing that’s going to make this a good presentation. Otherwise it’s going to be one of those ones where we’re all looking at our watches going, when is this over?’

I try to find the person’s own style and bring that out—along with good presentation skills. I try to get them to use their normal voice, not what I call the “speechy” voice.

But the biggest thing for presenters to learn, especially those who speak to large groups, is to take up space. What I mean by that is most people are not aware of the space around them or around others. We talk about presence a lot in our work—that you’re actually here—present in mind and in body; but you’re also aware of the space of others. Most people are never aware of space. When they communicate, they’re really just communicating in a bubble.

“When you show that you are both competent and that you care, that’s when charisma happens.”
**SL:** How can you best prepare for a presentation?

**SM:** If you can, before the presentation, check out the space you will be in during the presentation. Then just kind of invite that space to be with you during your presentation. I liken it to putting out a nonverbal picnic blanket and saying, ‘Okay, let’s all gather here.’ You’ll be able to see this now that I’ve mentioned it to you, when you watch other presenters. You can tell that they are presenting to just the small space around themselves even though their voice is going out to the whole audience. They are only aware of their own space. They haven’t really invited everyone in. This is kind of a nebulous concept, but I think it’s simply being aware of the space.

---

**SL:** How do you coach people past stage fright when they present to large audiences?

**SM:** I think stage fright is a symptom of a bigger problem. Start by asking: What’s the fear? What’s the story? What’s the story you’re telling yourself? Are you afraid you’re going to fall? Are you afraid you’re going to … Whatever it is, fix that first. So if you’re afraid you’re going to lose your memory, I would never tell you to memorize presentations; I would tell you to memorize a structure and to wing it from there.

I also talk a lot about breathing, which can also bring you into the present moment and help you focus on your preparation and your content in the moment.

---

**SL:** What makes lawmakers charismatic when it comes to their nonverbal communications?

**SM:** Charisma is something that is bandied around a lot, isn’t it? In our seminars we used to ask, What’s charisma? People would turn around and go hmmm… We know it when we see it, but it’s very hard to define. So, instead of charisma—which is this kind of ‘I can’t say no to you’ magical thing—we talk about developing a leadership presence, being balanced.

For example, when my dad had a stroke and we were sitting at his bedside with not a lot to do, we started analyzing the nurses and found that the best ones were a blend of position and person. They were a blend of authoritative and approachable—someone who knows what they’re doing (the authoritative), but who also cares (the approachable). We had nurses who were all business, and we had nurses who were all jokey, but when they had the combination of both, that was charisma or leadership presence.

And that’s what I think we’re looking for in today’s politicians and leaders in the world—a combination of knowledge and caring.

**SL:** Is that all it takes to be a leader?

**SM:** We define leadership as having two ingredients. You have to be going somewhere, and you have to have followers. That’s it. That’s leadership. You can be a good leader or a bad leader, but you have to have those two. If you’re not going anywhere, then there’s no reason to follow you, and if you’re going somewhere and no one is following you, then you’re not a leader.

If you have those two things, that’s leadership. But when you have your following, they will want to know that: a) you can get to where you’re going—that’s the authoritative piece; and b) you care that they come along, that it’s not just about you. That’s why we keep coming back to those two halves. They are both needed. Authoritative isn’t all good and approachable all bad, or vice versa.

When you can incorporate both those elements when communicating to your constituents—that you are competent and that you care (authoritative and approachable)—then that’s when charisma happens.

---

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 interviewee’s and not necessarily NCSL’s.
Representative Brent Yonts (D) operated just fine for years under Kentucky’s ethics law, reputedly one of the most restrictive among the states. The law was passed in 1993 in the wake of an 18-month FBI sting investigation, Boprot, that resulted in 15 legislators and several lobbyists being convicted of crimes ranging from extortion and racketeering to accepting bribes and lying.

A major component of the law was that it drew a bright line between legislators and lobbyists by prohibiting legislators from receiving anything of value from lobbyists or their employers. The law allowed lobbyists to pay up to $100 in food and beverages for each lawmaker, but lobbyists were required to report the spending and the name of the legislator.

Representative Yonts came to believe that even more could be done, however. “The public thinks there is so much corruption in politics. Perceived or not, this is what people believe,” he says.

With this in mind, Yonts, who chairs the House State Government Committee, became the primary House sponsor of a bill developed by the state’s Legislative Ethics Commission. It passed last year, giving Kentucky the strongest and most comprehensive ethics law in the nation, according to Yonts.

The new law prohibits lobbyists and their employers from giving anything of value, including food and beverages, to individual legislators and their families. This makes Kentucky one of 10 states with bans on gifts from lobbyists, often called “no-cup-of-coffee” laws.

“This legislation is very important in today’s culture,” Yonts says. “Our focus is to make the legislative body function without the belief or suspicion that we are bought and paid for—because we are NOT,” he says. And with a chuckle, he adds, “In practice, no one bought anyone a cup of coffee anyway.”

States have reformed and re-reformed gift laws numerous times in the nearly 16 years that NCSL’s Center for Ethics in Government has tracked the issue, making it a perennial hot topic. And it remains hot because legislators like Yonts say, “We try to make our behavior as pristine as we can—even if the public does not agree.”

The late Alan Rosenthal, professor of public policy at Rutgers University, was less concerned about lawmakers’ and lobbyists’ misuse of gifts than he was by the public’s perception of gift giving. He used standards of appearance, fairness and responsibility to distinguish between appropriate and inappropriate legislative behavior.

**State Gift Bans**

From absolutely nothing to just about anything, states vary greatly in what they allow lobbyists to give lawmakers.

---

Peggy Kerns directs NCSL’s Ethics Center. Natalie O’Donnell Wood is a program principal in NCSL’s Ethics Center.
According to the appearance standard, there can be no question as to the propriety of lobbyists' gifts to legislators. It is improper ... because it gives people an impression of being so,” he wrote in his book, “Drawing the Line.”

When Is a Gift Not a Gift?

Gift laws don’t come all tied up in neat red bows, easily categorized. Connecticut law defines a gift as “anything of value that is directly or personally received, unless equal consideration is given in return.” Iowa’s definition is similar.

Even with these specific definitions, both states have a list of exemptions. Iowa allows gifts of plaques, items worth $3 or less, free items available to the public, and reimbursement for expenses to speak at a meeting.

Because of exceptions, gifts may be better defined by what they are not. Although there is no 50-state consensus about gift exemptions, there are common themes. Some states exclude campaign contributions, gifts from friends or relatives, loans made in the course of ordinary business, awards and educational items. Other states are similar to Iowa in that they exempt small items or trinkets, using a variety of terms to describe them. Maryland, Minnesota, New Hampshire and West Virginia use “insignificant”; New York, Washington, West Virginia and Wyoming use “nominal”; and Alabama and Missouri use the Latin term “de minimis.”

Gifts of food and beverages are popular exceptions to gift rules as nearly every state allows legislators to consume them in certain situations. It’s not about the food, Yonts says, “I go to receptions, graze a few minutes and go back to work,” he says. “My main purpose is to mingle with people—citizens—who have topics before the legislature. I want to hear their points of view.”

State legislatures often will revisit gift definitions and exemptions when the law’s practical application is challenged. Alabama redefined “public employee” after 2011 changes to its gift laws prohibited public school teachers from receiving students’ gifts. And New York lawmakers defined “widely attended event” in 2011 to better clarify what the term covered.

2014—The Year of the Gift Law

In the last five years, nearly every state legislature has considered either creating or amending its gift law, with almost half the states enacting changes. But 2014 stands out as a banner year for gift laws, with high-profile news stories prompting changes in at least five states—Arkansas, California, Kentucky, Virginia and Washington.

In last November’s general election, Arkansas voters passed the Elected Officials Ethics, Transparency and Financial Reform Amendment that prohibits legislators and constitutional officers from soliciting or accepting gifts from lobbyists, those
representing a lobbyist, or those who employ or contract with a lobbyist. It strikes the allowance for gifts under $100 and further narrows the exceptions to the term “gift.”

California struggled with scandal in 2014, after two senators were indicted on corruption charges for accepting gifts and dinners from lobbyists meant to curry their favor. In response, the Legislature passed two measures that would have prohibited certain lobbyist gift-giving. But the bills were vetoed by Governor Jerry Brown, who said in his veto message, “Politicians should be subject to various constraints. At some point, balance and common sense are required.”

In Pennsylvania during the 2013-2014 biennium, after several legislators and other public officials were accused of failing to disclose cash gifts, the legislature considered reforming its gift laws. The Senate amended its rules to define “cash gift” and create exceptions. The rules explicitly prohibit a senator or Senate employee from accepting or soliciting cash gifts from a lobbyist or a person seeking official action from that official or employee.

In September 2014, Virginia Governor Bob McDonnell was convicted of accepting gifts, loans and other benefits from a lobbyist in exchange for lending him the “prestige of office,” which amounted to access and preferential treatment for his business. The scandal prompted the legislature to redefine gifts, include new categories of “tangible” and “intangible gifts,” require the disclosure of gifts given to family members, prohibit certain gifts and set a $250 threshold for others.

Washington’s Legislative Ethics Board created a definition for “infrequent occasion” after several news stories highlighted the lack of consistency in the use of the term when applying the state’s gift law. Based on the ruling, as of Jan. 1, lawmakers are allowed to accept up to 12 meals in a calendar year from lobbyists. There are also other exemptions related to gifts of food and beverages that continue to apply.

Going Against the Grain

Although most states have moved toward more restrictive gift laws, the pendulum can swing both ways. Florida and Minnesota, both self-proclaimed “no cup of coffee” states, attempted to change their laws in 2013. “Essentially, [our law] sat for about 10 years without substantive changes,” says Tom Bottern, counsel to the Minnesota Senate. But in 2013 the Legislature passed a bill to allow for food and beverages at meetings and receptions, if all legislators are invited to attend and at least five days advance notice is given. The exemption joins a handful of very specific allowances, including certain items with a resale value of $5 or less and food and drink at receptions, meals or meetings where a legislator is speaking. “Legislators often accept a free cup, but rarely can they accept the coffee,” says Bottern.

“The most important job we do is enhance the public trust, for the good of the order.”
—Florida Senator Tom Lee

Proponents hope the new exception leads to an increase in collegiality by allowing legislators to spend more time together in a social setting. But there is a downside. “When you invite 201 people, plus staff, there are practical limitations,” says Bottern. “Only those who can afford to host a big event will hold one.”

In Florida, Senator Tom Lee (R) tried to create de minimis exemptions to Florida’s law in 2013. He was in familiar territory. In 2006, when he was Senate president, he spearheaded—along with House Speaker Allan Bense (R)—Florida’s zero-tolerance ban. It was not a smooth journey. It was difficult to find a solution that would strike a balance between preventing unethical behavior and being “reasonable,” he says.

After debating several options, “we agreed to settle on banning all gifts from lobbyists to legislators. We couldn’t come up with a way to create a dollar amount that wouldn’t be terribly abused,” he says.

Lee was term-limited out of the Legislature in 2006, but was re-elected in 2012. He saw that gift restrictions had tempered the influence of money on the process, but still saw room for improvement. Although his 2013 bill to allow some de minimis exemptions to the gift ban did not pass, he believes Florida’s existing law resulted in a positive culture shift. “What I find today is that the lobbyists are happier and the members are living healthier lives, because what everyone has learned is that legislators don’t really like hanging out with lobbyists unless they’re paying the bill,” he says.

Unintended Consequences

Michael Beasley, a Colorado lobbyist, charts Colorado’s gift law by remembering the “before and after.”

In 2006, voters approved a far-reaching amendment to the state Constitution that, among other things, prohibits lobbyists from giving any gifts, regardless of the amount, to state and most local elected officials as well as employees in the executive and legislative branches. Beasley maintains the amendment is a model of what not to do. It weakens the legislature, he says, by not allowing members to get to know each other and their constituents, and to learn about the many sides of issues, in a social setting.

Beasley scoffs at the idea that a reception or a meal sponsored by a special interest would have affected votes. “There are only 24 hours in a day for legislators to grab time with each other and with citizens,” he says. “These social situations provide a setting that lends itself to conversation and problem-solving.”

What’s in Store for 2015?

Debate about gift laws is likely to continue. In fact, “it’s an endless task,” says Lee. “Democracy can’t function if the public can’t trust its government. We’ve had scandal after scandal in our country, and increasing cynicism. We need honesty, transparency and accountability,” he says. “The most important job we do is to enhance the public trust, for the good of the order.”
The question of whether it’s smart to use taxpayer funds to build a sports stadium has been argued endlessly in states across the country—for at least four decades, in fact. Generally, most economists, public officials and other experts are skeptical about the economic value of building taxpayer-subsidized stadiums, but there are times when it can make sense.

The Sports Draw
Stadiums have a unique pull because Americans are passionate about their sports teams. Even losing teams can draw large numbers of visitors, far more than other attractions like museums or musical performances.

Because of this, sport franchises can exert a lot of leverage—and they can convince other groups to do so as well, ranging from businesses and construction companies to labor unions and advocates of “smart growth,” who often like the idea of mass-transit oriented, high-density projects anchored by a sports facility. Then there are the fans. They brag about the civic pride and higher quality of life that a sports team brings home.

Most economists, however, have concluded that if you want to spur economic development, building a sports stadium isn’t a good bet. Being skeptical without being closed-minded is the right approach, says Andrew Zimbalist, a Smith College economist. “There certainly have been more cases than not where it hasn’t worked out economically,” he says. “But it doesn’t mean that it can’t.”

“To the degree that residents’ self-image is caught up in a team or they enjoy having a hometown team, a stadium is a fine thing to build,” he says. But the city “shouldn’t think of the stadium as an investment in civic infrastructure. It will not make a city rich.”

For lawmakers considering funding requests for new stadiums, there is widespread agreement—based on interviews with 27 economists, former public officials and other experts—on some specific steps to take to tilt the economic equation more favorably toward taxpayers.

Ensure the project will attract out-of-towners.
One of the fundamental tasks of any economic development project is to attract money from outside the jurisdiction where it’s built, and whose taxpayers are paying for a portion of it. If this goal isn’t achieved, studies show, new projects will simply divert existing entertainment money from restaurants, movie...
What to Ask

Don Coursey, an economist at the University of Chicago, has compiled a list of questions for journalists who are covering economic development projects. These questions can be just as helpful to elected officials asked to fund any number of projects, but they are particularly useful for evaluating stadium proposals. Coursey suggests any serious analysis of the economic viability of future projects should include consideration of the following questions.

- Why does this project require public funds?
- Why can’t it be completed using private funds?
- Who will construct the project? Who will operate the project? Will these groups of professionals, laborers and managers come from the local population? Will the majority of their earnings stay within the local economy?
- What assumptions are you making about the spectrum of users of your project?
- How much revenue will be new injections into the economy, as opposed to simple, zero-sum movements of money within the economy?
- How much of a primary draw will your project generate? If the project is just one of the many things that people might use or visit within a region, how are you accounting for this in your measurement of visitor revenue for your project?
- How much economic activity will the project promote indirectly? Who computed the “multiplier”—the amount of additional projected economic activity from every dollar spent directly on the project in question?
- Why is your project the best use of public funds? How does the impact of your study compare to alternative uses of the same funds?
- How do you expect the economy to be affected if the project is not funded and built?
- How will you address whether the project has met the community’s and your goals? Have funds been set aside to support a subsequent analysis of its actual impact?

Build a facility that can host events year-round.

An idle stadium generates no revenue. To make it economically viable, it must host events as close to year-round as possible.

Based purely on numbers, the average baseball stadium, for example, will likely be a better economic bet than the average football stadium.

“Normally only six to eight games will be played per year in a football stadium,” says Ernie P. Goss, an economist with Creighton University. “Most of the attendees will be from within the state, and the event is for one day only. This produces very limited economic benefits, with significant taxpayer costs.”

Better still than baseball or football stadiums are arenas that host both a pro basketball team and a pro hockey team, since together they host about 80 games a year. This can easily be supplemented by concerts and other special events.

Many people see a venue that can attract or retain professional sports and concerts as a civic amenity that improves quality of life.”

—Jeffrey Michael, director, Business Forecasting Center at the University of the Pacific

Interestingly, some of the projects with the best economic track records are the least sexy: minor-league baseball stadiums, because they can offer frequent use along with lower construction and operating costs. The biggest risk with these baseball parks is that a minor league team may move before a stadium’s construction outlay is paid off, says Stephen S. Fuller, director of the Center for Regional Analysis at George Mason University.

Build a stadium that fits the local area.

Don’t plan a new stadium in isolation. Focus on its potential to rehabilitate an entire neighborhood or at least prevent its deterioration. Several stadiums built in the past decade or two have done just that: Coors Field in Denver, Petco Park in San Diego, Camden Yards in Baltimore and Safeco Field in Seattle.

This type of success requires careful planning at all stages.

“The best advice I can give is to make the facility part of an overall plan and not to start with the facility and try to draw up a plan around it,” says Michael Leeds, a Temple University economist. “Too many cities start the process backwards.”

Stadium construction often benefits neighborhood property owners by increasing property values, says Humphreys of West Virginia University. He warns, however, that gentrification can cut both ways. “If you’re a renter, you’ll probably be worse off” after a stadium is built and property values go up, “because rents will go up” as well, he says.

Choose the neighborhood carefully.

By itself, a stadium can’t hold back severely troubling economic tides. It’s far easier for communities that are already reasonably healthy to afford the required infrastructure investments, says John E. Gnuschke, director of the Bureau of Business and Economic Research at the University of Memphis.
Neighbors with unworkable locations can torpedo a stadium project’s viability.

Where geography is concerned, “downtown stadiums are almost always winners, even when home to terrible teams,” says Arthur C. Nelson, director of the Metropolitan Research Center at the University of Utah. “The farther away from downtown you get, the greater the likelihood of local economic failure, even if the team does well,” he says.

“Thankfully, places such as the Pontiac Silverdome in suburban Detroit have been replaced with downtown stadiums. Even in Detroit, they are doing well despite a lackluster regional economy,” says Nelson.

“While it’s a very good movie, ‘Field of Dreams’ got it backward. It’s not: ‘If you build it, they will come.’ It’s: ‘If they will come, you should think about building it.’”
—Allen Sanderson, University of Chicago economist

Locate projects near mass transit.
Building a facility that will encourage event-goers to use close-by mass transit will maximize the positive impact for the surrounding neighborhood. With a sure ride home, sports fans will more likely stick around the area after the game.

“Surround a stadium or arena with a moat of parking lots and you will never get neighborhood development,” says College of the Holy Cross economist Victor Matheson. “Make people walk half a mile across acres of parking lots to get to the nearest bar and they will just get into their cars instead,” he says.

“Get people to arrive by mass transit and you can locate after-game activities much closer to the departing crowds.”

Be wary of one-sided economic projections.
Supporters of stadium projects—including teams, business groups and government officials—often hire consultants to produce reports that estimate a project’s long-term economic impact. These typically include estimates of the direct impact of the stadium (jobs in construction and stadium operations), as well as the induced impact (money spent by visitors at the stadium or in the vicinity) and the indirect impact (money spent by stadium employees and local businesspeople as a result of new business drummed up by the stadium).

Typically, these reports offer projections that are hard to prove and easy to skew toward the rosiest of outlooks. This, combined with the propensity for stadium projects to experience cost overruns, suggests that it’s always worth taking consultants’ projections with a big grain of salt.

As the saying goes, cautions Allen Sanderson, a University of Chicago economist, “Never ask a barber if you need a haircut.”

Insist on keeping the parking revenues.
Tom Murphy—the former Pittsburgh mayor who oversaw the simultaneous construction of new stadiums for the Pirates and the Steelers, at the same time as a new convention center—urges other policymakers to follow his city’s lead on parking policy.

Pittsburgh diverted parking revenues from the teams to fund new parking garages, which are more compact than surface lots. This also frees up the highly attractive land near stadiums for residential and commercial development.

“You cannot let teams keep the parking revenue from the lots around the stadium,” says Murphy, who is now with the Urban Land Institute. “When teams are allowed to keep it, ‘surface lots become the highest and best use of the land.’”

Drive a hard bargain.
The key to a successful project “is keeping the public’s share of the cost to a minimum,” says University of South Florida economist Philip Porter. That requires hard bargaining and refusing to approve a deal until the team has some significant skin in the game.

Most state and local governments simply “roll over and give the team what it wants without a fight,” he says.

And avoid getting sucked into bidding wars at all costs, warns Pakko of the University of Arkansas-Little Rock. “They rarely produce any winners. ‘Sports franchises have monopoly power,’ he says. ‘There are a limited number of teams, so cities are asked to bid against one another, whether or not having a local team is economically viable.’”

Resist long-term commitments.
One thing that governments often agree to, but which hurts them in the long term, is signing contracts that require the community to maintain the stadium to a certain standard indefinitely, Porter says. Although proper maintenance can increase a stadium’s useful life to 50 years, not many stadiums will be considered adequate for that long.

“Some stadiums fall simply because they are surpassed by stadiums in other communities,” he adds. “This creates a rat race that communities cannot win, and leads communities to junk perfectly good stadiums for new ones.”

“The bar for receiving a public subsidy in a capitalist society should mean large economic benefits that have big spillovers into the local community that the team owner can’t capture on his own. [Most stadiums] don’t pass this test.”
—Victor Matheson, College of Holy Cross economist

Keep expectations in line.
A stadium is not a panacea, and officials should not tout them as such. “The most common flaw is holding on to massive, unrealistic expectations,” says Matheson of Holy Cross.

In fact, it’s more justifiable to pitch stadiums as amenities rather than as engines of economic growth, says Roger Noll, emeritus professor of economics at Stanford University. “Cities should view stadiums not as an investment to improve local business conditions, but as a form of public consumption, like public art installations,” he says.

“I don’t oppose public spending on sports any more than I oppose it on art museums, opera or orchestras. My complaint is that supporters of subsidized stadiums claim that the stadium will yield economic returns to the city and its citizens, separate from the presence of the team. Four decades of research proves otherwise.”
Motorcycles and Safety
Over the last several years, motorcyclists continue to be overrepresented in traffic-related fatalities, according to data from the National Highway Traffic Safety Administration (NHTSA). They now account for 14 percent of all traffic-related fatalities but represent only 3 percent of all motor vehicles. In 2012, motorcycle crashes killed 4,957 people, 57 percent more than in 1997. At the same time, fatalities from crashes in other vehicles dropped 32 percent, from 33,609 to 22,912.

Safer vehicles and highways, coupled with better law enforcement and medical treatment, have reduced car and truck fatalities. Motorcycle deaths have not followed suit, although recently released data from NHTSA show a 6.4 percent decrease in deaths in 2013, the first decline since 2009.

Fewer riders don helmets, particularly in states that don’t require all riders to wear them, and head injuries continue to be the leading cause of motorcycle deaths. A study by the Centers for Disease Control and Prevention found that 700 more lives could have been saved in 2010 if wearing a helmet was required everywhere.

Motorcycle advocates point out that motorcyclist deaths have actually decreased in proportion to the vast increase in bikes on the road. A recent report from the Motorcycle Riders Foundation calculated that the number of fatalities per 100,000 motorcycles registered fell between 2005 and 2011, from 74 to 55.

Many motorcyclists believe riding without a helmet is an unalienable right in America. Groups such as ABATE, which has chapters in several states, argue that instead of passing mandatory helmet laws, states should concentrate on making the roads safer for motorcyclists by increasing drivers’ awareness of motorcyclists and imposing stiffer sanctions against drivers who cause motorcycle crashes.

The American Motorcyclist Association points out that wearing a helmet does nothing to prevent a crash. The group “strongly encourages” the use of protective gear including helmets, but notes on its website that “adults are capable of making personal safety decisions for themselves. Society’s role is not to mandate personal safety, but rather to provide the education and experience necessary to aid adults in making these decisions for themselves.”

Helmet Use Down
In 1975, helmets were mandatory for all riders in 47 states and in Washington, D.C., partly because federal highway funding was tied to having such laws. But Congress removed that requirement in 1976, and more recently, in 1995, repealed financial incentives offered to states in the early ’90s.

In response, since 1995, Arkansas, Florida, Kentucky, Louisiana, Michigan, Pennsylvania and Texas have relaxed or repealed their mandatory, universal helmet laws.

Currently, 19 states, the District of Columbia, Guam, the Northern Marianas Islands, Puerto Rico and...
The rates of helmet use overall. Usually result in much lower officers to enforce, so they prove. Age-specific laws are lifted, although that’s hard to as merely a reflection of the aging population of riders, whose reflexes and senses aren’t as keen as they once were.

Motorcycle advocates in Florida liked to point out that the higher death rates were likely the result of the increasing popularity of motorcycling, in general, especially during events like Daytona Bike Week.

Safety officials believe helmet use among Floridian riders under age 21, who are still required to wear helmets, has fallen as well since the requirements were lifted, although that’s hard to prove. Age-specific laws are nearly impossible for police officers to enforce, so they usually result in much lower helmet use overall.

The measures, with the exception of pending bills in Massachusetts and New York, all failed. Maryland, Missouri and Tennessee have also debated bills in the past two years that would exempt those wearing helmets. "When a brain is splattered on the ground, it’s a little too late to think, ‘I should have put a helmet on,’" she says. Rhode Island and South Carolina also considered expanding helmet requirements to everyone in 2013.

Researchers continue to search for definitive evidence of what works. If safety is the biggest concern, providing better training and licensing, lowering the number of drunken riders, and increasing car drivers’ awareness of motorcycles would also help reduce fatalities, James Hedlund, author of a recent report on helmet use published by The Governors Highway Safety Association, told Michigan Public Radio.

Still, the facts show that the single best way to prevent death and serious injuries in a motorcycle crash is to wear a helmet, he says. "If you’re not wearing a helmet and you crash, your chances of getting killed are 37 percent higher."

Clearly that message doesn’t resonate well with the “I ride I decide” group who feel the risk is worth the ride, ensuring that helmet requirements will continue to be a topic of debate down the legislative road.

Representative Kraig Paulsen (R) told the Cedar Rapids Gazette after the bill’s defeat.

In Maine, where only those under 18 years of age must wear a helmet, former Representative Paulette Beaudoin (D) has sponsored a couple of bills requiring motorcyclists to wear helmets. "When a brain is splattered on the ground, it’s a little too late to think, ‘I should have put a helmet on,’” she says. Rhode Island and South Carolina also considered expanding helmet requirements to everyone in 2013.

Researchers continue to search for definitive evidence of what works. If safety is the biggest concern, providing better training and licensing, lowering the number of drunken riders, and increasing car drivers’ awareness of motorcycles would also help reduce fatalities, James Hedlund, author of a recent report on helmet use published by The Governors Highway Safety Association, told Michigan Public Radio.

Still, the facts show that the single best way to prevent death and serious injuries in a motorcycle crash is to wear a helmet, he says. "If you’re not wearing a helmet and you crash, your chances of getting killed are 37 percent higher."

Clearly that message doesn’t resonate well with the "I ride I decide" group who feel the risk is worth the ride, ensuring that helmet requirements will continue to be a topic of debate down the legislative road.
Helping the Helpers

New state laws support the millions of Americans who minister to aging relatives and form the backbone of the nation’s long-term care system.

BY JULIA C. MARTINEZ

When Kristen Mitchem’s father was diagnosed with a malignant brain tumor in 2013, the North Carolina pastry chef quit her dream job at a five-star restaurant to help care for him in Oklahoma.

After several surgeries, Alphus Mitchem needed round-the-clock attention to recuperate at home, where patients report a higher quality of life.

Overnight, Kristen, her mother and sister joined the ranks of the 42.1 million family caregivers who form the backbone of the nation’s long-term care system. Their work entails much more than cooking, cleaning and doctors’ trips.

Today, nearly half of them also manage medication, monitor feeding tubes, dress wounds and perform other tasks normally done by health care professionals. Valued at $450 billion a year, family caregiving is a critical component of the U.S. economy, outstripping public spending for Medicaid in 2012.

“I didn’t consider it a sacrifice to leave my job,” Kristen Mitchem says. “When you spend your whole life with your parents taking care of you, it’s something I didn’t think twice about.”

Still, because she’s not trained as a caregiver, Kristen says the job has been frustrating at times and has caused setbacks for her father.

With the nationwide shift to home-based care from institutional care, family caregivers like the Mitchems lack supports, including flexibility, training and respite care, which could lead to caregiver burnout.

Numerous studies show demand for long-term services and supports will soon outpace the availability of potential family caregivers, according to data from AARP’s Public Policy Institute, the National Alliance for Caregiving and other organizations.

The looming shortage of caregivers reflects a rapidly aging population, longer lifespans, a preference for home-based care, the need for more chronic disease care and changes in family demographics. Adding to this are the leading edge of baby boomers, who will turn 69 this year. Many never married or have fewer children to care for them than did their parents.

“If you look at the ratio of people who need care and people available to care for them, we’re looking at a sleigh ride going downhill,” says Susan Reinhard, director of AARP’s Public Policy Institute. “It’s a steep decline over the next 20 to 30 years. We have fewer people available to care for people who need it.”

Without unpaid family caregivers, the economic cost of long-term care to state and federal governments would be a larger burden on Medicaid budgets.

To head off a potential crisis—and in the absence of a substantial federal long-term care strategy—state legislatures are finding ways to help fill the gap.

Lawmakers in New Jersey and Oklahoma enacted versions of the Caregiver Advise, Record and Enable, or CARE Act, effective in 2014. The law requires hospitals, when a patient is admitted and with his or her consent, to record the caregiver’s name; to notify that caregiver before the patient is discharged; and to help prepare the caregiver for the medical or nursing tasks he or she is being asked to perform for the patient at home.

The ultimate aim is to keep patients healthy.

Julia C. Martinez is a freelance writer and former Denver Post reporter.
after discharge and to avoid costly readmissions. Nationally, one in five Medicare recipients who leaves a hospital is readmitted within the first 30 days, costing Medicare $17.5 billion a year in additional hospital bills.

The Centers for Medicare and Medicaid Services started penalizing hospitals in 2012 with lower reimbursements for readmissions within a month of discharge as part of the federal government’s effort to pay health care providers based on the quality of care they perform.

Oklahoma Senator Brian Crain (R), sponsor of the CARE Act, along with Representative Harold Wright (R), says the law was personal. Both his parents died of Alzheimer’s disease within a decade of one another. His father cared for Crain’s mother during her illness.

“Caregiving was hard on dad,” Crain says. “From that standpoint, I have a lot of sympathy for the plight of caregivers who care for loved ones being released from a hospital.”

Assembly Speaker Vincent Prieto (D), who sponsored New Jersey’s more detailed CARE Act along with Senator Joseph Vitale (D), says he, too, understands the toll caregiving can take. His elderly mother-in-law lives in her own home and is being cared for by his wife.

“I see how difficult it is for caregivers,” Prieto says. “It is a learning process, and there are a lot of things they don’t have at their disposal. Somebody needs to help them out ... so they can help our elderly be healthy and live to their full potential.”

Both lawmakers say their states will benefit from fewer hospital readmissions.

Hospitals’ Response

Initially, hospitals in both states had concerns they would be held legally liable if caregivers did not provide proper care and believed the legislation was an unnecessary mandate. New Jersey’s association also had concerns that the bill’s original provisions could delay a patient’s discharge.

“We didn’t support it because we felt we were doing this already,” says Lynne White, spokeswoman for the Oklahoma Hospital Association. “But at the end of the day, we withdrew our opposition,” she says. “If we can go the extra step to make our services more patient friendly, that’s what we want to do.”

New Jersey’s hospital association said it took a neutral position after working closely with AARP and the bill sponsors. “It was a very collaborative and productive discussion and we ultimately came up with final language that was beneficial to the patient and that all sides were happy with,” says Kerry McKean Kelly, spokeswoman for the association.

Crain and Prieto indicated that hospitals in their states took a softer tone after realizing that the legislation could reduce readmissions and associated penalties. “That was certainly a conversation and selling point we had with the hospital association,” Crain says.

In Hawaii, however, lawmakers sponsoring a CARE Act bill were blocked by the Healthcare Association of Hawaii, which took issue with the bill’s basic premise. “AARP wants hospitals to train unqualified people to perform complex clinical, medical and nursing tasks,” says George Greene, president and CEO of the association. “It makes no sense to force hospitals to do this, and it is not safe for patients.”

AARP disagrees. “We can’t ignore the fact that right now, family caregivers are cleaning wounds, giving injections, managing complex...
medications and much more,” says Elaine Ryan, vice president for state advocacy and strategy at AARP.

The hospital group was also concerned that a CARE Act could cost Hawaii’s public hospitals millions of dollars in additional staff and liability protection.

Nonetheless, Hawaii Senator Suzanne Chun Oakland (D), the Senate sponsor, says she is not giving up on the bill, particularly since the average Hawaii resident lives so long—the average lifespan is 81 years on the islands, compared to the U.S. average of 78 years.

**Caregivers Unprepared**

Oklahoma’s CARE Act came too late for Kristen, her mother Cheryl and her sister Deidra, who learned through trial and error the complex tasks involving medication management, feeding tubes, wound care and other tasks normally performed by trained health care professionals. “They never showed me anything. We have learned to care for my husband by watching the health providers,” Cheryl Mitchem says.

Weeks after 72-year-old Alphus Mitchem was discharged from the hospital the first time, Cheryl says her husband was rushed back with seizures because she and her daughters weren’t aware of certain medicines he should have been taking. Since then, she says, at least one other return trip also was triggered by a lack of instruction.

The Mitchems’ story illustrates the plight of millions of family caregivers nationwide: Some 46 percent face difficult medical and nursing tasks for which they are unprepared, says Kathy Kelly, CEO of the Family Caregiver Alliance, a national research and advocacy organization.

Family caregiving can also take a personal and financial toll. Many caregivers lose earnings, pensions and Social Security benefits and spend down their savings.

“There are many people who put their personal and financial lives on hold to care for a loved one,” Kelly says. “You’re providing care for a person who needs it but impoverishing someone else in the process.” Those who earn less than $40,000 are at greatest financial risk, she says.

Family caregivers learn quickly that most employer-provided health insurance does not cover long-term care. Neither does Medicare, which helps pay up to 100 days in a skilled nursing facility under certain conditions or part-time home health care. To get Medicaid long-term care coverage, a person must meet specific income and asset criteria that vary from state to state.

**Other States Consider CARE Act**

Illinois and Kansas are among about a dozen states considering CARE Act legislation.

Elsewhere, legislatures in Delaware, Hawaii, Mississippi and New Mexico formed committees last year to study how their states support family caregivers and how they can help more, while a dozen state legislatures passed a variety of related initiatives. Among them was Rhode Island, which expanded the state’s disability insurance program to cover family leave, similar to laws that have been adopted in California, Minnesota and New Jersey in previous years.

In rural and underserved areas, where doctors are often scarce, lawmakers have supported family caregivers by passing legislation that expands nurses’ roles. In some of the states, including Kentucky, the laws expand nurse practitioners’ scope of practice, enabling them to prescribe certain medications without a collaborative agreement with a doctor. Other states, like West Virginia, now allow nurses to delegate tasks to caregivers.

In Alabama, a state coalition worked to expand its respite care for family caregivers. California, Massachusetts, Mississippi and Wyoming passed laws to protect the interests of vulnerable, incapacitated adults who need guardians.

**FAMILY CAREGIVER AWARDS**

To recognize the state elected officials who were integral in creating legislation in 2014 to support family caregivers, AARP honored the following legislators and governors with “2014 Capitol Caregiver” awards.

**Senator Hannah-Beth Jackson, California**

**Assemblywoman Toni Atkins, California**

**Assemblywoman Cheryl Brown, California**

**Governor Dannel Malloy, Connecticut**

**Senator Terry G. Gerratana, Connecticut**

**Representative Theresa W. Conroy, Connecticut**

**Representative Jason Perillo, Connecticut**

**Representative Valerie J. Longhurst, Delaware**

**Senator Suzanne Chun Oakland, Hawaii**

**Senator Rosalyn Baker, Hawaii**

**Senator Vaneta Becker, Indiana**

**Senator Ed Charbonneau, Indiana**

**Representative Edward Clere, Indiana**

**Senator Patricia Miller, Indiana**

**Senator Robert Hogg, Iowa**

**Representative Chip Baltimore, Iowa**

**Senator Morgan McGroupery, Kentucky**

**Senator Reginald Thomas, Kentucky**

**Representative Joni L. Jenkins, Kentucky**

**Representative Tommy Thompson, Kentucky**

**Representative Robert A. Johnson, Louisiana**

**Senator Gale D. Candaras, Massachusetts**

**Representative Anne M. Gobi, Massachusetts**

**Representative Christopher M. Markey, Massachusetts**

**Representative James O’Day, Massachusetts**

**Senator Sandra L. Pappas, Minnesota**

**Senator Kathy Shere, Minnesota**

**Representative Carly Melin, Minnesota**

**Representative Dan Schoen, Minnesota**

**Senator Terry C. Burton, Mississippi**

**Senator Briggs Hopson, Mississippi**

**Representative Mark Baker, Mississippi**

**Representative Bobby Moak, Mississippi**

**Senator Kate Bolz, Nebraska**

**Senator Sue Crawford, Nebraska**

**Senator Robert W. Singer, New Jersey**

**Senator Joseph F. Vitale, New Jersey**

**Assemblywoman Vincent Prieto, New Jersey**

**Assemblywoman Nancy F. Munoz, New Jersey**

**Senator Michael Padilla, New Mexico**

**Representative Tomas Salazar, New Mexico**

**Governor John Kasich, Ohio**

**Governor Mary Fallin, Oklahoma**

**Representative Joni L. Jenkins, Kentucky**

**Senator Brian A. Crain, Oklahoma**

**Representative Harold Wright, Oklahoma**

**Senator Thomas Alexander, South Carolina**

**Representative Rebecca Chavez-Houck, Utah**

**Senator Brian Shiozawa, Utah**

**Delegate Barbara Evans Fleischauer, West Virginia**

**Senator Robert W. Singer, New Jersey**

**Senator Joseph F. Vitale, New Jersey**

**Senator Michael Padilla, New Mexico**

**Assemblywoman Nancy F. Munoz, New Jersey**

**Assembly Speaker Vincent Prieto, New Jersey**

**Assemblywoman Nancy F. Munoz, New Jersey**

**Representative Rebecca Chavez-Houck, Utah**

**Senator Brian Shiozawa, Utah**

**Delegate Barbara Evans Fleischauer, West Virginia**

“If we do not make this a top priority, there will be a crisis.”

Senator Suzanne Chun Oakland
Hawaii
Increasing Demand

Research leaves no doubt that an aging population will require more care. A U.S. Department of Health and Human Services study concluded that more than 70 percent of people age 65 and older will need long-term care services for an average of three years. Some 40 percent have a chance of entering a nursing home. Another study in 2010 by AARP found there were seven potential caregivers for each adult over age 80. By 2050, that ratio could drop to three to one.

There has been little action at the federal level. The 2000 National Family Caregiver Support Program provides annual grants to states to support some family caregivers, but funding has stayed at roughly $155 million or less, despite the increasing demand.

In 2010, Congress passed a law to provide training and support for family members who care for post-9/11 military veterans. This pool of family caregivers comprises about 2.6 percent of the whole. Other comprehensive bills are pending but face uncertain odds.

AARP’s Reinhard argues that state initiatives “are the first line of defense against institutionalization.” They will help family caregivers avoid burnout and care for their loved ones at home and in the community more efficiently and effectively, she says.

However, “substantive action varies tremendously from state to state,” says John Schall, CEO of the Caregiver Action Network in Washington, D.C. “Some states have figured out the importance of supporting family caregivers,” while others have not.

Hawaii’s Senator Chun Oakland wants her state to be in the former category. “If we do not make this a top priority, there will be a crisis,” says Chun Oakland, who proposes that caregiving be taught in schools. “We need to build our capacity, so we do not have our kupuna [elders] and other vulnerable people left with no support.”

As state legislatures reset their agendas for the coming year, Reinhard offers this thought for state lawmakers: “You’re either a caregiver now or will need one in the future. Caregiving will affect you personally and directly. States need to prepare for the future and at a faster pace than we’re doing it now.”

FAMILY CAREGIVERS
By the Numbers

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>66%</td>
<td>Portion of family caregivers who are female, 34 percent of whom care for two or more people</td>
</tr>
<tr>
<td>19%</td>
<td>Portion who report receiving some training but want more</td>
</tr>
<tr>
<td>78%</td>
<td>Portion who report needing more help with at least 14 different caregiving topics</td>
</tr>
<tr>
<td>20.4 hours</td>
<td>Average time caregivers spend each week providing care</td>
</tr>
<tr>
<td>72%</td>
<td>Portion who live within 20 minutes of their care recipient</td>
</tr>
<tr>
<td>$4,570</td>
<td>Annual related expenses for caregivers who live near their loved one</td>
</tr>
<tr>
<td>$8,728</td>
<td>Long-distance caregivers’ annual related expenses</td>
</tr>
<tr>
<td>11%</td>
<td>Those who report that providing care has harmed their own physical health</td>
</tr>
<tr>
<td>24%</td>
<td>Portion who report caregiving has harmed their work performance and shortened their time spent at work</td>
</tr>
<tr>
<td>70%</td>
<td>Portion of working caregivers who have made some job change due to caregiving</td>
</tr>
</tbody>
</table>

Hugging a Cactus

Here’s how to make your next media interview a less prickly experience.

FEBRUARY 2015 | STATE LEGISLATURES

BY GENE ROSE

For some public officials, submitting to a media interview is akin to shaking hands with a cactus. For even the thickest-skinned, interacting with the spiny plants causes irritation and leaves marks, making the thought of another encounter uninviting and something to avoid.

The excuses to stay away from the media are often the same: All it can do is get me into trouble; I’m always misquoted; or They’ll just print or air whatever they want to anyway.

Those with sterling media reputations know, however, that even though an encounter with the media can be thorny, there’s a payoff for learning how to do it effectively. It can be a tremendous opportunity to get your message out, help shape public opinion and create public discourse on even the most complex issues—an important part of how representative democracy works, many would say. Here’s a three-step crash course on how to successfully embrace a cactus without getting stung.

1. **Study it.**

   Just as there are an estimated 2,000 types of cacti in the world, media take on several different shapes and forms. Understanding how the various kinds operate, how their organizations are structured, and how they view their purpose is critical to being successful. Here are important areas of discovery.
   - **Hierarchy.** The demands and needs of the media at various levels relate to their audience. Local media thrive on information that's important to the communities they serve. The statewide press looks for compelling narratives that tell a larger story and will generate conversation and debate about specific issues. This approach is magnified many times over at the national level. Knowing a media outlet's audience is an important consideration in framing responses to questions.
   - **Medium.** Deadline requirements have blurred since most organizations now have an online presence where stories usually break instead of in the morning newspaper or the nightly newscast. One thing that hasn’t changed, though, is the need to respond to an interview request in a timely manner. Don’t wait until the end of the day. It lowers the chances of your views appearing in the story and gives others the opportunity to steal the headline.
   - **Ideology.** The number of full-time newspaper reporters has dropped 35 percent since 2003, according to the Pew Research Journalism Project. Political activists and partisan bloggers are rushing in to fill the void, adding fuel to the country’s growing political divide. With some media outlets more vocal about their political leanings, it’s more important than ever for officials to understand who is conducting an interview and for which outlet.
   - **Structure.** Take time to understand how media organizations are structured, and get to know the publishers and news directors. Reporters, for example, don’t write their own headlines, often have to fight editors to get clearance on story ideas, don’t determine the length of a story and have little to no say in terms of where their stories are placed.

2. **Approach it.**

   Don’t run straight into a cactus with closed eyes. Approach it where it’s comfortable. Still, be prepared for some pricks. No one who works with the media on a regular basis goes unscathed. Comments will be taken out of context. Opponents will have their say. The framing of a story will not always meet expectations. But for those who can learn from such experiences and make adjustments for the next media interaction, these types of wounds will heal more quickly.
   - **Learn some best practices.** Study officials who have good relationships with the press. Consider what they do and how they do it. Most likely they frame issues succinctly in two sentences yet provide sufficient evidence and explanatory material to demonstrate...
their expertise. Coming up with descriptive sentences goes a long way in helping a reporter put together a story that readers, listeners and viewers will understand.

- **Don’t force the issue.** Too many officials still believe that issuing a press release or holding a press conference will result in media coverage. The media, however, have too few resources and too little time to respond to every request. They quickly learn which releases and events deserve their attention. Consider sharing fact sheets, talking points or other informative materials that reporters can use for reference now and in the future.

3

Embrace it.

Ask reporters what they want most out of interviews and the answer invariably is “the truth.” Reporters talk to many people and develop a keen sense of when someone is trying to manage them. They know the difference between spin and sincerity.

- **Be knowledgeable.** Make sure you’re full of information about the subject of your interview. Too often a legislator will simply read a summary when asked about the subject of a bill. Reporters want to know the reason for the legislation, who inspired the bill and the consequences of passage or failure. For reporters, the story is about the issue, not the sponsor.

- **Be honest.** One of the hardest things to say in an interview is “I don’t know.” Public officials often feel they will be perceived as ignorant or unaware if they don’t know an answer so they try to dance around the question. Saying, “I don’t know the answer, but I will find out and get back to you,” however, helps to generate a reputation of honesty and integrity.

- **Be realistic.** Anticipate the questions of an interview, including the uncomfortable ones. “If you dread it, you’ll get it,” is an adage that is appropriate here. A reporter wants to understand all arguments for and against an issue. Knowing what all the arguments are and being able to articulate a response to them raises your level of expertise on the issue.

- **Be proactive.** Take steps to become a better interviewee. Practice developing descriptive sound bites—short responses no longer than two sentences or 10 seconds that summarize a position on an issue.

Taken together, these steps will surely make your next media interview less painful, more productive—and perhaps even enjoyable.
1. Create an account at www.ncsl.org

2. Sign up for policy newsletters. Add your preferred e-mail address to make sure you never miss an issue of LegisBriefs or NCSL TODAY.

3. Discover new tools - webinars, videos and 50-state databases. Browse the NCSL policy library. Contact NCSL staff for personalized assistance.

All state legislators and legislative staff are automatically members of NCSL. Make the most of your membership with MyAccount.
Peggy Piety is a native Hoosier with B.A. and J.D. degrees from Indiana University. She did a stint in private practice and as an attorney for the City of Indianapolis. After losing her job when administrations changed, a friend told her about an opening at the Legislative Services Agency and encouraged her to apply because she thought Peggy would enjoy it and be good at it. (Her friend was right.) She and her husband, Josef Laposa, have been married for 15 years, after dating long distance for five years. NCSL’s Director of Communications Karen Hansen chatted with Piety about her adventures in public service.

How has your view of public service evolved over the years? I’ve come to understand that public service is not a career for wimps. It’s hard and often under-appreciated, but extremely critical. While I didn’t consider public service as a new law school graduate, I feel very fortunate to have had the opportunity to have a public-sector legal career and make a difference in people’s lives—even if they don’t know who I am.

What is the biggest challenge legislative staff face? One is finding ways to work efficiently and effectively in an increasingly partisan environment. A second is the oncoming wave of senior staff retirements, which creates opportunities to update legislative processes and procedures and recruit and train the next generation of legislative staff.

Why are staff important to a legislature? Legislatures would be hard pressed to function without staff. They serve in every aspect of the legislature and partner with lawmakers to accomplish its work. Staff also play a critical role preserving and strengthening the legislative institution as one of the three co-equal branches of state government.

Why should staff be involved in NCSL? It is the organization for legislative staff! NCSL offers skills training and policy education geared to getting staff up to speed and better at their jobs, and it provides lots of opportunities to meet and learn from staff from every state. Plus, it’s wonderful to have legislative friends and colleagues who are just a phone call away when you need help or support.

What are your priorities as staff chair this year? I hope to strengthen the staff programs and services NCSL currently provides, identify trends and changes on the horizon that will affect and are affecting legislatures and legislative staff, and develop programming and services to address them. I want to work to get the word out about NCSL and all that it offers to legislative staff. And, I want to learn something new and have fun.

What life lessons do you learn working in a legislature? How to deal with every possible personality type. How to be flexible and accomplish tasks in incredibly short time. When something must be done, you find a way to do it. Forgive and forget.

Which book is on your nightstand? Susan Cain’s “Quiet: The Power of Introverts in a World That Can’t Stop Talking.”

How did you meet your husband? We met in the parking lot at Harrah’s Automobile Museum in Reno, Nev., during a conference for municipal telecommunications officers and advisers. This year, we celebrated the 20th anniversary of our meeting when our Executive Committee had dinner at the museum.

What keeps you up at night? My husband ...

What is your proudest accomplishment? Graduating from law school and passing the bar while working full-time. (I did it, but I don’t recommend it.)

What’s your best memory from your first job? My first job was a counselor at a Girl Scout camp. My most vivid memory from that summer is huddling around a transistor radio (if you remember those, you’re old) in the dark in a platform tent listening to Neil Armstrong walk on the moon.

Who do you look to for inspiration and advice? My group of friends—four women I met while working at the City of Indianapolis. We have been friends for 20+ years, so know each other well. They provide both advice and inspiration, as needed.

What would people be surprised to know about you? I played bass in a jazz band in high school. We got a perfect score at the state music contest judged by Dave Baker and were good enough to play dances, proms, etc. to earn money for the band department. My favorite number was “Big Noise From Winnetka.”
AMERICA’S BEVERAGE COMPANIES ARE DELIVERING.

From sodas, fruit juices and iced teas to sports drinks and waters, we offer MORE CHOICES for everyone. We’ve added clear calorie labels to the front of our packaging, created SMALLER PORTIONS, and replaced full-calorie soft drinks in schools with lower-calorie choices. Offering such a wide range of low- and no-calorie options means on average there are now 23% FEWER CALORIES per serving. America’s beverage companies are dedicated to helping you choose what’s right for you.

To learn more, visit DeliveringChoices.org