



The Our American States podcast—produced by the National Conference of State Legislatures—is where you hear compelling conversations that tell the story of America’s state legislatures, the people in them, the politics that compel them, and the important work of democracy.



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### End of an Era at NCSL: Bill Pound Retires | OAS Episode 71

Gene: Welcome to “Our American States,” a podcast of meaningful conversations that tell the story of America’s state legislatures, the people in them, the politics that compel them, and the important work of democracy. For the National Conference of State Legislatures, I’m your host, Gene Rose.

At the 2019 Legislative Summit, the National Conference of State Legislatures says goodbye to its executive director for the last 32 years. William T. Pound is retiring and we thought it would be a good time to get his perspective about the organization he has worked for soon after it started in 1975.

We wanted to find out how legislatures, legislators and legislative staff have changed in the last four decades, and no one has a better perspective.

*Time Marker (TM): 1:00*

Gene: To start our conversation, we asked Bill how NCSL was created.

Bill: Well, NCSL was created in the mid-’70s from three existing legislative organizations that had grown up in the period from the early 1950s to the early 1960s. One of them was primarily a legislative staff organization, the National Legislative Conference. One was primarily a leaders’ organization, which had come along a little later; that was the Society of Legislative Leaders. The third was a back-benchers’ organization, a members organization, which had come along in the latter part of the 1960s.

There were a couple of driving forces in all this that go back historically: clearly what happened with the U.S. Supreme Court decisions in the 1960s, one person/one vote, that required redistricting, something that we’re still fighting about, how you do it and what the limits and the rules are today, that made the legislative bodies more representative than they had been.

It modernized the outlook and brought probably more modern problems into the body at that time. And the other part of it was that after World War II, in particular with the National Legislative Conference, the staff organization started right after World War II, about 1948 if I remember correctly, you began to see a growth in the capacity, particularly staff, of the

legislatures. They had more ability, more knowledge, more things like that, and that's what created the first organization.

Earlier than that there had been some things like the legislative counsels and some research capability and things like that, and codification of laws and what-have-you. And then after the war you began to see more fiscal staff develop in the legislature, because the primary purpose of the legislature, the one thing it has to do every year, is pass a budget, either for a one-year or two-year cycle.

So, with that came just more capacity, more ability, and those forces sort of drove the legislature to be more activist.

At the same time, you had going on a revival of state government. Remember the time period then. We had come out of the Depression, the '30s before World War II, and you'd had a big growth in the federal government, a change which has never gone back: the New Deal and everything that went with the Franklin Roosevelt presidency. And that overshadowed state government to a great extent, to the point where there was a book written in the late '50s that said essentially state legislatures are irrelevant in terms of what they do and distinguished by what they don't do.

And that began to change too. State government began to revive. After the war, the country changed, the nature of government and what government did changed, and that was really accelerated in the '60s. And many of those programs that were created were created by the federal government, but they relied on the states to do them. You might say the agenda grew during that time.

And so by the early '70s the three groups came together in a conversation about: Would it make sense to try to have one group? And they made a try at it in the early '70s and it didn't work; they couldn't come to agreement.

And then in 1974, or right around there, they went to Alan Rosenthal who probably knew more about legislatures than anybody living, maybe anybody that ever had lived in the United States, at the Eagleton Institute of Politics at Rutgers University, and they hired Alan to survey the field and try to see what they could do with a merger.

There were a number of people from each of the organizations. Leaders, legislators and staff got together and were able to agree on the creation of NCSL, which they did create in 1974, effective on Jan. 1, 1975.

*TM: 4:54*

Gene: We also learned why the organization's headquarters are in Denver and not in Washington, D.C.

Bill: The first decision that was made after they created it and formed a guiding committee and executive committee, was that they would not be in Washington, D.C., because that was where most of the organizations or public officials were, all but one of them. We didn't want to be inside the beltway and captured by federal issues, by what was driving the federal agenda. We want to have an influence on it, but we don't want to be captured by it.

So they wanted a state capital with good transportation and communications, and you know that eliminated some of them. They looked at about 10 places and it came down to Denver, as I remember, Columbus and Indianapolis, and Denver was chosen.

*TM: 5:39*

Gene: We asked Bill how he came to get a job at NCSL.

Bill: Well, I was here in Denver, in fact, teaching political science, and when they formed the organization they were looking for staff, and I looked at it and thought: Well, that sounds interesting. When they opened the office here in Denver there were probably six or seven people.

*TM: 5:57*

Gene: Bill is the organization's second executive director. We asked him to reflect on Earl Mackey, who was NCSL's first leader.

Bill: Earl had been a member of the legislature in Missouri. He was a native Missourian, had been in the legislature, and then had actually been on a congressional staff for a brief time, and then ended up being the legislature's person at the Counsel of State Government office in Washington. So he was working there at the time of the formation.

And Earl was hired as the first executive director. There was a competition, but Earl was hired as the first executive director of the group, and he stayed here for about 12 years before he decided to move on. He was a very interesting guy. He was instrumental in shaping the early years of the organization and the early growth of it.

I became executive director the beginning of 1987.

*TM: 6:51*

Gene: One of the first decisions the leadership of NCSL made was to make sure people realized that this was a bipartisan organization.

Bill: This is a bipartisan organization. There are people, including our staff sometimes, who call it nonpartisan. This goes back to one of the very first, actually the second president of the organization, who when somebody at the time ... this would be 1976 ... had said or was quoted someplace saying that it was a nonpartisan organization.

And he wrote a letter and he said: We are not a nonpartisan organization. We are a bipartisan organization. The people who take part in it, meaning the legislators, are partisans, one side or the other, but we're bipartisan and we work together to get this done. And if anybody calls us nonpartisan again, I want them fired.

*TM: 7:39*

Gene: Bill talked about what he believes the strengths of NCSL have been over the years.

Bill: Well, we are a resource, I think an invaluable resource, first of all in the information source. We have probably always been, but certainly in recent years as we've become more partisan in the country and more divisive. I think our information is regarded very highly as being not biased, as being unbiased information.

We don't tell the states what to do. We tell them what other states may have done and how they did it, and they can make their own decision on how it goes because I've always had the view that you've got to look at the demographics, at the economic situation, the social relationships in a state. There are a lot of similarities and there are many, many differences that say: Well, that may work in California, but it probably won't work very well in New York or maybe in South Dakota.

So that kind of resource and being able to cover a lot of different topic areas. I had some years ago the counsel director in one of the smaller states in the country say: If it comes to a choice between hiring a new staffer, me hiring to my staff here, or paying NCSL the yearly fee ... He said: I'm a lot better off paying NCSL because I get access to people who know a lot about a lot of things and different things, rather than one person who may be an expert on one or two.

Over the years our training has become a key thing for nearly every legislature. It started as primarily staff training because we are the organization of the legislative staff as well as legislators. We develop training programs for them on a yearly basis and on a specialized basis beyond that, and that can be anything from writing and research skills to information about what the issues are today.

In recent years it's become much more parallel with what we do for staff for legislators on issues and that in almost every area: health, criminal justice, transportation. What's going on and what are the new ideas and what innovations are out there? What are other people thinking about?

If you ask people who come to our meetings frequently, what's the most valuable aspect of the meeting? They'll say networking. It's dealing with people who are doing the same thing in another state that you're doing in your own, saying: You faced this problem. Well, what did you do? Why did you do it that way? And how has it worked?

*TM: 10:10*

Gene: Bill says NCSL contributed greatly to the professionalism of legislatures.

Bill: Without question NCSL has contributed to legislatures being more professional. Legislative staff has grown greatly, but the kind of training we provide—we essentially serve as the professional organization of most of the legislative staffs. There are nine different staff groups arranged here within the organization on a functional basis. For example, information technology to the clerks and secretaries who are the administrators of the process, the fiscal and legal services, and certainly we have contributed to professionalism.

We do training and we have clearly contributed to capabilities of legislatures since NCSL was formed. Legislatures have changed a good deal. They deal with a lot more things and a lot more

issues than they used to. Our government has become more complex, first at the federal level, and then at the state level, partly because the states carry out so many federal programs or they're joint federal/state in nature.

The legislature's role in the budget process has clearly been enhanced in many states. Our states vary. In some the budget process tends to be dominated by governors, but in many it is dominated by the legislature. We have developed the use of information technology in the legislature and it has changed greatly.

When we were first created a lot of the pressure was to enhance and increase the power of the legislature, whether that meant having annual sessions, because into the '60s many states didn't meet annually. We're now down to only four states that don't have annual sessions. The length of sessions has increased, particularly in the larger states, but in others, and that was a trend for a time.

The numbers of staff have increased to the point where probably in this century there has been some pressure the other way, that is to limit the session of legislatures, not have full-time/year-round. About nine or 10 of our legislatures fall into that category. But more of them are in the middle ground that have 120-day, maybe 150-day sessions, or maybe even a little smaller, 90 to 120.

We still then have a third group of the legislatures that tend to have very limited sessions: 30 to 45 days. Those tend to be in New England or in the mountain states predominantly. And you see some of that pressure. Term limits are a piece of that too, the idea that they've become too professional, and I think the legislature is always looking for a balance. There's a struggle there between being competent and capable and able to do the job, and not being thought of as full-time professionals. These are people out-of-touch with their constituents. And that will go on I suspect for a number of years.

*TM: 13:09*

**Gene:** One of NCSL's main missions is to work with the administration and Congress to protect state sovereignty.

**Bill:** In our work with the federal government, we primarily aim at three things. One of them is to try to prevent the federal government from preempting state, or in some cases local, but mostly state governments. The second is that in federal programs, we don't like unfunded federal mandates. If the federal government is going to tell the states what to do, they should pay for it or a substantial part of it, and we try to prevent the unfunded federal mandates and to protect the 10<sup>th</sup> Amendment of the Constitution, which leaves the powers not specifically granted to the federal government to the state governments.

On preemption, I think certainly one thing we are proud of is getting the welfare reform in the mid-1990s, that the federal government did not preempt that area and considerably loosened its mandates on it; that we have been successful in most recent years in terms of the interstate sales, the internet transactions, in preventing a federal preemption of state government in that area. And it also, though this is not a preemption item, but in getting the courts to recognize

that the commerce clause did not prevent the actions that states were taking, which they just did last June.

Those are two of the areas. There are certainly others: the tobacco settlement would be one of them; we prevented the federal government from taking the money; it went out to state government. And that was a big one back in the '90s as well.

*TM: 14:50*

Gene: Bill takes great pride in the quality of staff that NCSL has in its Denver and Washington, D.C., offices.

Bill: Well, we have always I think had a good staff here, and we continue to. We have over the years. It has been one of the strengths of the organization. The other strengths of the organization, if I had to name two of them, are the people who participate in it who are legislators and legislative staff. It's the quality of people who are willing to give their time, who are interested, who want to see and rely on the organization that those are important things.

There have been so many changes, I mean, we just look at the internet and what it has done, because the currency of the legislature is information, and it has changed how we deliver it, our ability to deliver it, the quantity you can deliver, the breadth it covers.

Clearly our training programs have grown a lot and I think our responsiveness on many of these things is better and that's partly because our staff has grown. It's relatively stable and has been the last 15 years I would say. But we cover a wider range of issues today. We can't do everything and don't do everything, but of the things I think are most important to legislatures, I think we do a pretty doggone good job with them.

We've also raised the visibility of legislatures a lot. Coincident with what I just described as we've gone on to where we have more national news or where you don't just read your local paper if it still exists, that you get things on a much broader scale in the country, and I think we have contributed a lot to that and to the accuracy of the information that's out there.

*TM: 16:36*

Gene: We asked Bill about his personal growth that led him to NCSL.

Bill: I'm a native Coloradan. I grew up in rural Colorado down in the San Luis Valley, but I went to school up here in the metro area at the University of Denver and then did graduate work at the University of Colorado, and ended up teaching at a couple of those institutions over the years in the American governmental field, and that led me to NCSL when it was created because it was ...

I've never regretted it. It's a chance to do things rather than just talk about them. I've always been interested in politics and public policy, both. This combines them. I notice in our hiring we get a lot of people that have that public policy interest. Now they may have gone to school or to graduate school in a specific area. We have a fair number of lawyers, many of whom don't want to practice law particularly, but they like the research. They don't want to be advocates necessarily.

We go out and search for people with public policy interests, things like school finance, who have some experience in it or studied it academically or many times worked in it, for a legislature or for some other organization.

I wanted to be executive director for the challenge of it because I like the organization, I like what we do. And I think most of the people here really believe in legislatures, that they are the first branch of government because of their article in the federal and most state constitutions. They are the one that is the most representative of the people. It's the issues they deal with and the very interesting people that are in them, both as members and working for them.

*TM: 18:15*

Gene: And we asked him what he's going to miss most.

Bill: I'll miss most the people because you come in every day and you're not sure what you're going to do, what's going to pop up on your telephone, on your computer screen, what problem or what question or what somebody is asking for or asking help for or saying: What do you know about this? And working with the people and seeing in many cases their genuine interest in trying to improve things, whether it's the higher education system or it's the tax policy or education, the justice system, the whole thing.

NCSL is governed by a large Executive Committee, which has seven officers: four legislators, always two Republicans and two Democrats staggered through the chairs of office, and three legislative staff. And they all participate in the governance of the organization.

We've had a real mix of people from different backgrounds, obviously the two parties, different areas of the country. But I would say they have been willing to be fair-minded about it, to be bipartisan, and to see the need for the organization and to assist in building it, in making it a better organization. Those are some of the people I referred to when I said those are the ones you're going to miss. You know, you get to know them pretty well and realize what they've done in their own communities in their own states.

*TM: 19:42*

Gene: Finally, we asked him to reflect on his hopes for the organization.

Bill: I would hope that in the future NCSL stays and builds on the path that it has been on because I think we have done good things. We have to be responsive to changes in the world, particularly in the age of social media, delivery of information. We have built the capacity to deliver much more information, much more professional training in our own staff, of our own staff and in our own staff, their capability to deliver it out into the states are key to things, and I hope we do that.

And I hope we can avoid getting caught in some of the more bitter partisanship that we see in the country today.

Music and Gene VO:

As one of the lucky people who was hired by and had the pleasure of working for Bill Pound, I know I speak for many as I wish him the best in his retirement and thank him for all he has done for legislatures, the organization, and for being an inspiring leader.

For the National Conference of State Legislatures, this is Gene Rose. Thanks for listening.