



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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### **The State of State Legislatures | Jan. 16, 2020 | OAS Episode 82**

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.

Our guest today is the new executive director of the National Conference of State Legislatures, Tim Storey. For our first podcast of 2020, we wanted to get his perspective about the issues and influences on state legislatures for the coming year. Here is our interview.

*Time Marker (TM): 0:45*

Gene: Tim, let’s start off with some basic information. How many state legislatures will actually be in session this year?

Tim: So, the legislatures in 46 states will be convening sometime in the next, if they haven’t already, the next week or two. There are a few that start later in this year, like North Carolina starts I think in early spring. But only four states do not have sessions. They are annual session states: Texas, Nevada, North Dakota and Montana.

Most legislatures are going full steam.

*TM: 01:12*

Gene: All legislatures will have specific issues they will be debating this year. What do you see as the major two or three issues that will affect most state legislatures this year?

Tim: Well, I guess I’m just going to be a jerk, Gene, and say that there are no two or three major issues, and I think that’s what makes this session unique in my mind. I’ve done a fair amount of

talking to legislators looking at sort of pre-session articles and what really jumped out at me is that there is no defining theme or issue as you often see.

Just about every year there are one or two things, like the opioid crisis really dominated legislatures across the country, not every legislature, but many legislatures really had to go after that; the pension crisis that affected many states just a few years ago; and of course budgets are always the number one issue and especially if things are tough. But the economy is strong and stable relatively speaking and state budgets frankly are very stable.

So when I started thinking and researching about anticipating this question, I'm sort of coming back with I guess little smart-alecky answers and saying that I am struck by the wide range, it's more of a broader list of issues that, you know, five states are doing this, ten states are doing this.

In my mind, there is really not a dominant issue or two this year and I think that's remarkable.

*TM: 02:29*

Gene: And what would you attribute that to?

Tim: Well, I think the biggest factor is that it's an election year. This is not a year of great policy change and initiation in the states. They tend to do most of that coming out of the burst of energy of the election. Maybe you've got new people, new majorities. So, this is the second year of the biennium in most states.

Now, remember that Virginia and New Jersey and Mississippi and Louisiana had elections, so they're in their first year. So you'll see a burst of policy making, particularly in Virginia where you've had a party change, and it's remarkable the things that are on the agenda for the Democratic majority in Virginia versus what was on the agenda for the Republican majority in the Virginia legislature just a few months ago. But that's the outlier; that's not typical.

The election looms in November, so legislatures are less likely to be initiating big policy change at this point in the election cycle. That tends to happen in the odd-numbered years, not in the even-numbered years.

*TM: 03:24*

Gene: You mentioned budgets earlier. Most states are required to have balanced budgets. How do you see budget and revenue decisions playing out across the country?

Tim: Well, every state has to balance their budget, except for technically Vermont, so 49 of the 50 states, that's exactly right, Gene. All signs are green light go for state budgets right now. I mean, there are definitely a few states that are contending with unique circumstances around, say, energy prices and certainly some of the agriculture-dependent states are grappling with how the tariffs are playing out in the ag sector.

But generally, like the U.S. economy, all state economies are in good shape. The reserve funds are being filled up, if not filled up, so states have socked away cash for what everybody

anticipates is the looming recession around the corner. But economists are all sort of... no one is really seeing an imminent threat of recession. Everybody in some way knows there is a recession somewhere on the horizon, but is it far away or farther away?

What we do know is it's not imminent. The state legislative budget officials have certainly reported that in various surveys to NCSL. So, state budgets are healthy.

I think legislators are not in a spending mood. I think they're in a cautious mood. They all remember what happened in 2008... well, not all of them, but many legislators have been around and can recall how state budgets had to grapple with the recession from 2008 and beyond. Things have only been stable for a few years, and so I think they're all healthily cautious.

*TM: 05:01*

Gene: Now, ten years ago, 2010, unemployment was 9.5% and the Dow Jones was about half of what it is now. It's a very different picture for states. What does it mean for states in this new decade?

Tim: Going into 2020, it's fascinating to think how far we have come in terms of state budgets from ten years ago, a decade ago, twenty years ago when the century started. It's kind of hard to say we're in the new century because it's 2020. We're 20 years into the new century and we're in a much different place now than certainly in the beginning of the 2000s or the beginning of the last decade.

There was record-high unemployment and construction was at a standstill and housing stock was extraordinarily inflated. Construction was essentially at a standstill, both residentially and commercially. And today it's almost the exact opposite. We sit at remarkably low unemployment, almost full employment, and we're looking at different challenges: how to find labor because there are labor shortages in many states and state employment is trying to cope with that issue. And budgets are stable.

So, it's remarkable how much change can happen in the course of 10 years as well as 20 years, and everything looks far better today than it did just 10 years ago.

*TM: 06:21*

Gene: You mentioned that an election year might not be one where we see a lot of innovation, but certainly there are things that political parties may do to drive their voters to the polls or may motivate their bases. Do you see any issues like that coming up this year?

Tim: Let me just back up a little bit and say there are some issues, like criminal justice reform is definitely a major issue in a handful of states. I would say housing is a major issue in a number of states; healthcare remains an issue in a number of states. And these aren't partisan or political issues. So, there are some big issues that states are going to be addressing like those.

Privacy and data security – that's another one that comes to mind. And some of this is really driven by the inaction in Washington, that policy making including infrastructure spending,

which is one of the major issues that states just continue to deal with, I don't know that they'll be able to do a whole lot particularly in an election year because it's not a time when states are eager to raise taxes or raise fees.

And frankly, infrastructure at the end of the day is a spending problem – where do you come up with the money? We know that the fact that we've deferred spending on infrastructure for so long just compounds the problem. And so it's not gotten better; it has gotten worse and continues to do so. And state legislative leaders are well aware of that.

I don't know if they're political issues, but partisan political leaders in legislatures will be thinking about maybe there are some tax cuts in some of these places where the budgets are... and I know that a number of states are looking at that, including big states like Florida.

So, I think they'll be really cautious to not do anything adventurous, and only look at policies that might help shore up the base for those particular parties. And both parties will do that.

*TM: 08:03*

Gene: And 2020 is an important year for redistricting, correct?

Tim: Well, the Census and the election are the two things that happen in 2020 that will result in redistricting. So next year, if we do this podcast, I will say: Let me predict that the big issue for legislatures in 2021 will be redistricting, and in 2022 as well. So that will undoubtedly... of course we don't know where the economy is going, but redistricting will be the number one or one of the top three issues in every single state in the next two years.

And that's because this is the year we take the Census. In just a few months, literally the Census goes into the field, it takes a few months to actually conduct it; they'll start collecting the data. And then by December of this year, 2020, we will know the state populations for apportionment, how many seats each state gets in the U.S. House. And then the states get the data from the Census Bureau early in 2021 and then it's off to the races because you have to draw new lines before you can hold new elections.

So, if you're holding elections in the odd-numbered years, like those handful of legislatures that do that, you've got to have new lines by 2021, and in every other state you've got to have new lines by 2022. That's required by the Constitution.

Now the other reason it's a big deal is because of the election, and both parties are extraordinarily attuned to the fact that this is the big kahuna of elections in states, of legislative elections. If you win this year, you kind of have a winning ripple effect throughout the rest of the decade. And so both the Republicans and Democrats are mustering all of the resources they can to go big on state legislative elections.

And the national parties are well coordinated or well tied into this and coordinating this effort with their partners in the states and the national organizations that help direct state legislative elections. So, the interest and the funding, the campaign money that will pour into legislative elections will undoubtedly break all records this year.

*TM: 09:58*

Gene: And we should mention that NCSL is already working to prepare legislatures for redistricting.

Tim: We see our mission is not to be in the partisan side, but this is a constitutionally required process and there's a really good reason for it, because we want everybody's vote to be counted equally in their legislative bodies, the House and the Senate in each state capitol. Of course, just the Senate in Lincoln, Nebraska where there's a unicameral, and of course the House in Washington where the Senate is based on states, not population.

So redistricting is a vital, necessary process of the Constitution; it's required by the Constitution to make sure that everybody is represented equally in elected legislative assemblies. And NCSL is at a unique position where we have tremendous experience and resources, because in most states the legislators themselves draw these new lines for not only the U.S. House of Representatives, but also for their state legislative districts. Therefore, NCSL has an obligation to help prepare them

We've got special seminars, special publications, special information on our website. If you're even half thinking you're going to be involved in redistricting either directly or on the edges, you'd be well advised to explore the resources that we've got to help you as a legislator or legislative staffer.

*TM: 11:19*

Gene: With 2020 being an important election year, do you see legislatures looking into election security?

Tim: Yes, election security is on everybody's minds. I think the hard part is that the dye is mostly cast for this election. It would be really difficult to change policy right now on election security and have that implemented and in place in time for 2020 elections.

2020 elections, it's not just the general election in November; of course, it's the primaries in most states. So those systems are really in place for 2020. So, I think people are thinking about election security, but it's for the future, not for this cycle.

*TM: 11:53*

Gene: When we talk about elections for state legislatures, how many states will actually be up this year?

Tim: Just over 6,000, so over 80% of all legislative seats will be chosen this year. And by the way, more than 5,000 of those individual legislators will be directly involved in redistricting, bringing it back to that topic.

This is a big election year as every two years really is; it sort of becomes a broken record. And redistricting is the big kahuna this election. This is when it all matters. Yet, as we've said, states are also dealing with infrastructure, criminal justice, broadband access in rural areas, healthcare access in rural areas, abortion rights and abortion restrictions which some states are pursuing,

marijuana law implementation and banking regulation around marijuana, immigration, teacher pay, tax cuts.

The death penalty repeal is going through in a couple of states. Colorado is looking to perhaps do a public option for healthcare, a pretty dramatic step for a state to go forward on that. States are looking at minimum wage. Some states are looking at climate change issues.

All of this is going on and those are the things that matter: how we educate our kids, are the streets safe, do we have a criminal justice system that's both fair and keeps the people of the state safe, is the healthcare system adequate and affordable. This is what matters to people, and this is what the election is about.

I mean, everyone will say this election is about redistricting. No, it's about those issues because we want people who can come together and make good decisions for their citizens, for the people of America on these critical issues.

*TM: 13:29*

Gene: So, what about issues and concerns about what the federal government is doing?

Tim: There are some big ones obviously, and there are a few Supreme Court cases that could impact healthcare, the Affordable Care Act, and some other things like that. But I think the biggest one is infrastructure spending. The federal government has not stepped up to fund the infrastructure spending that needs to happen in the states, so the states continue to do what they can with the resources.

The numbers on upgrading infrastructure, and by that I mean its roads, its bridges, its airports and transit; it's the electric grid – the election systems are a critical infrastructure. I mean, it's really a lot of neglected spending and I think the federal government needs to have infrastructure week and actually have it result in something.

*TM: 14:15*

Gene: Tim, let's talk about you and your new role as Executive Director of NCSL. How are things going?

Tim: It's an exciting time. NCSL is going through a strategic planning process to figure out how we serve our members, legislative staff and legislators. There are 7,383 state legislators. It might go up, by the way; sometimes that number changes around redistricting. So, we might have ten more or ten fewer after this redistricting cycle.

And then more than 25,000 legislative staff are members of NCSL; and, of course, in the territories as well. So, the states and the territories depend on NCSL for good information and help in making the tough decisions they have to make.

So, we're looking at an organization that is designed to support these people so they can be the best they can be in their jobs, legislators and legislative staff – What's our role? How can we change and evolve to be better at that? So, we're going through a very formal strategic planning process, which is exciting. So that's the biggest thing on my mind and it's just really fun right now; it's exciting.

*TM: 15:20*

Gene: Anything that we haven't asked that you'd like to share?

Tim: No. Just thank you. I'm excited to see the "Our American States" podcast. It's a critical channel for how NCSL communicates with our members and how we continue to evolve on this channel and all of our methods of communicating and making sure that we're staying relevant and doing value-added for our members.

Music and Gene VO:

And that concludes this edition of our podcast. We encourage you to review and rate our episodes on iTunes or Google Play. You may also go to Google Play and iTunes to have these episodes downloaded directly to your mobile device when a new episode is ready. For the National Conference of State Legislatures, this is Gene Rose. Thanks for listening and being a part of "Our American States."