FIGHTING FRAUD

MEDICAID

INSIDE:
Privacy With Apps
Juvenile Justice
Businesses With a Cause
Nuclear energy produces nearly two-thirds of America’s carbon-free electricity. With our electricity needs expected to grow 22% by 2035, advanced nuclear energy plants must be built to meet this rising demand without producing more greenhouse gases.

Nuclear energy facilities have the highest reliability of all electricity sources with production costs that average about 2 cents per kilowatt-hour. Nuclear energy should be expanded as part of a balanced energy portfolio that generates more low-carbon and affordable electricity and reduces our dependence on foreign energy sources.

How can we generate more low-carbon electricity that is affordable while creating more American jobs?
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States are sniffing out Medicaid swindlers and saving a lot of money.

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THEN & NOW

25 YEARS AGO

Articles from the April 1988 issue of State Legislatures

THE PRODUCT LIABILITY DILEMMA
“Are product liability judgments excessive? Are victims’ rights endangered? Is there a middle ground?”

DRUNK DRIVING: THE HIGHWAY KILLER IS BACK
“After steadily declining since 1982, deaths caused by drunk drivers are on the rise again.”

WANTED: A GOOD STATE TAX POLICY
“Defining the components of a good tax policy is subjective, but a new report by a group of legislators and staff may help.”

DID YOU KNOW …

Standing atop the copper dome of Arizona’s old Capitol—which contains enough copper to make 4,800,000 pennies—is a white winged statue known as “Winged Victory” or “Victory Lady.” The lady is not just for looks; she is a weather vane and turns with the direction of the wind. Purchased for $150, the 17-foot zinc statue was placed atop the Capitol in 1901. When the statue was restored in 1981, its wings were found to be pock-marked by bullet holes. Legend has it they were courtesy of presumably hard-drinking gents who amused themselves by taking potshots at the Victory Lady’s wings to make her spin. No proof of this tale exists, but to quote the classic western movie “The Man Who Shot Liberty Valance,” which may have been set in territorial Arizona, “This is the West, sir. When the legend becomes fact, print the legend.” And so we have.

Sources: “A Celebration of State Capitols” by Richard R. Gibson, arizonaditities.com and statecapitols.tigerleaf.com

WHOSE CAPITOL IS IT?

To find out, go to: www.ncsl.org/magazine

SL ONLINE

VISIT WWW.NCSL.ORG/MAGAZINE
THIS MONTH TO:

◆ View NCSL’s webinar on state efforts to eliminate Medicaid fraud.
◆ Access NCSL’s juvenile justice bill-tracking database.
◆ View a U.S. map on the prevalence of diabetes by county.
◆ Read more on state compliance with SORNA.
◆ Listen to the complete interview with Jack Abramoff.
◆ View NCSL’s webinar on verifying documents and link to more resources on the topic.
How to Run the Next Election: Advice From Three Experts

BY WENDY UNDERHILL

It’s no surprise that 2012 brought a bumper crop of books about how to improve elections; a presidential election year is always a good time to sell books about elections. The best time to use a good book about elections, though, is in the year after the election. That’s when legislatures gear up for the next go-round.

Three 2012 books—from across the political spectrum—make good reading for legislators. All three describe perceived weak points of America’s decentralized election administration system; all three also offer prescriptions for building a stronger system. Better yet, there is greater overlap in these recommendations than the cover blurbs might imply.

Starting on the left, “The Politics of Voter Suppression: Defending and Expanding Americans’ Right to Vote” by Tova Wang (Century Foundation, 2012) looks through the lens of what she calls “the voter inclusion principle.” Whatever the issue, she says “we should err on the side of greater access and equity unless there is a strong reason, based on demonstrable data and facts—not presumptions or prognostications—that it is not worth it.” Wang applies the voter inclusion principle to voter registration regulations, pre-Election Day voting, polling place operations, procedures for handling absentee and provisional ballots, and voting rights for felons who have served their time.

It’s quite likely that not everyone will agree that “voter inclusion” is the highest value when it comes to elections policy. Indeed, in “Who’s Counting: How Fraudsters and Bureaucrats Put Your Vote at Risk” (Encounter Books, 2012) right-leaning authors John Fund and Hans von Spakovsky place the highest value on the integrity of the election system. They say “some of the sloppiness that makes fraud and foul-ups in election counts possible seems to be built into the system by design.” And so, the book addresses every part of the voting system, just as Wang’s book does.

And from between the two comes “The Voting Wars: From Florida to the Next Election Meltdown” by Richard L. Hasen (Yale University Press, 2012). (Readers, please take a moment to be thankful that 2012 was not the year of “the next election meltdown.”) Hasen asks, “Why haven’t things improved since the meltdown in 2000? Why has the situation in fact grown worse?” He then identifies his book as “the story of lessons not learned.” He, too, looks at many parts of the system, from the creation of voting rolls in the first place to litigation in the event of a contested outcome.

For those who want to cut to the chase, the books all offer “fixes” or recommendations. Although they don’t agree on the need for (or damage done by) stricter voter ID requirements, they do agree that the following areas can—and should—be improved.

**ABSENTEE VOTING**—These ballots are voted outside the purview of election officials and are said to be the easiest avenue for fraudsters. How best to address this concern is fraught with differing opinions. Fund recommends tightening regulations on who can “vote absentee,” and Wang proposes that “serious safeguards” be required to prevent fraud (while also encouraging the availability of early voting).

**AUDITS**—Audits of voting equipment, tabulation software and security procedures can add legitimacy to the whole process, and states can require them.

**VOTER REGISTRATION DATA**—Statewide voter registration databases are being improved all the time, with many states now permitting citizens to register or update their registrations online. Improving data matching between states is the next step, and one that finds favor across the political spectrum. By checking with other states, election officials will be better able to find names that do not belong on the rolls, be they of folks who have moved away, noncitizens who were signed up by mistake, or deceased voters.

**POLL WORKERS**—Most jurisdictions need more volunteer poll workers, and those poll workers need better training so that laws are enforced equitably. Fund calls for encouraging young people to participate.

**PROVISIONAL BALLOTS**—Federal law requires that provisional ballots be available as a “fail safe” voting method. The law doesn’t spell out how these ballots are to be handled, though. States can and should set uniform standards. For instance, will they count if voted outside the right precinct? And, what does a voter have to do to ensure that his or her provisional ballot counts?

**LESS AMBIGUITY**—The clearer the rules governing elections, whatever they may be, the less variation there will be across a state—and the less room for post-election litigation. Ambiguity is the friend of the litigator, not the citizenry.

Readers who want to delve into details on election reform can take their pick—one of these books is bound to suit their political perspective.
Whether income taxes should be cut to spur economic growth or readjusted to even out the playing field continues to be the center of tax reform debates. Currently, 43 states levy personal income taxes, although two tax only interest, dividends and capital gains, not wages and salaries. Seven states don’t tax income at all and never have, except Alaska, which dropped the tax in 1979. The last state to have adopted a broad-based income tax was Connecticut, in 1991.

In 2011, state personal income taxes generated $259.1 billion, or 34.2 percent of total state tax revenue. For 30 states, the personal income tax generates more revenue than any other tax. And in the 41 states with a broad-based personal income tax, collections per capita in 2010 varied from a high of $1,796 in New York to a low of $379 in Arizona.

Thirty-four states base their tax rates on a graduated scale that increases with income. Hawaii, with 12, uses the most brackets, taxing the lowest income earners at 1.4 percent up to the highest at 11 percent. Eight states use a single, flat rate, and Massachusetts uses a combination.

Thirty-six states link their tax closely to the federal tax code. Any changes made to the federal code would be felt most immediately and directly by them. —Mandy Rafool

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<th>State</th>
<th>Personal Income Tax Collections per Capita (FY 2010)</th>
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Where Does State Tax Revenue Come From?
States collected $757.3 billion in taxes in 2011, up 7.9 percent from 2010.

General Sales and Gross Receipts 31%
Selective Sales 17.4%
Licenses 6.8%
Corporate Income (Net) 5.4%
Other 3.4%
Property 1.8%

Note: Selective sales taxes include taxes on motor fuel, alcohol, public utilities, tobacco, insurance premiums and others.

Sources: NCSL, U.S. Census Bureau, Federation of Tax Administrators, February 2013.
GEORGIA SPEAKER DAVID RALSTON (R) shepherded what is being called “historic” ethics legislation through the House in February, winning overwhelming, 164 – 4, support. It now goes to the Senate. The bill would ban lobbyist gifts to lawmakers for such things as golf outings, sports events and private dinners. It would, however, allow lobbyists to pay for gifts and dinners for entire committees, caucuses and other groups, and some travel, but not airfare. It also sets up new lobbyist registration rules. Ralston said that even though not everyone supports the legislation, “knowing you can’t please everybody is, in a way, kind of liberating. It allows this body to do what it truly believes is the right thing. These are big bills that do big things.”

CONNECTICUT ABOLISHED SLAVERY IN 1848, and emancipated children of slaves in 1784. Harriet Beecher Stowe’s house in Hartford has been nominated to be a National Historic Landmark. So when Congressman Joe Courtney (D) saw the movie “Lincoln,” he was surprised that it portrayed two of the four members of the Connecticut congressional delegation voting against the 13th Amendment to abolish slavery, when all four actually supported it. He wrote to director Steven Spielberg asking him to correct it before the DVD release. “How could congressmen from Connecticut—a state that supported President Lincoln and lost thousands of her sons fighting against slavery on the Union side of the Civil War—have been on the wrong side of history?” he wrote. Screenwriter Tony Kushner said he made the change for purposes of historical drama. “I’m sorry if anyone in Connecticut felt insulted by these 15 seconds of the movie,” Kushner responded, adding, “I’m deeply heartened that the vast majority of moviegoers seem to have understood that this is a dramatic film and not an attack on their home state.” Courtney’s response to Hollywood politics: “I’ll stick to my nice safe snake pit in Washington.”

A COLORADO LAWMAKER WHO CO-SPONSORED LEGISLATION banning high-capacity gun magazines and requiring universal background checks on all gun purchases, including private sales, received death threats from a man who served in the military. Representative Rhonda Fields (D), whose son was killed before he could testify against a gang member, received intimidating emails riddled with racial and sexual slurs. She received a letter, stating in part, “I Keep my 30 Round Magazines, There Will Be Blood!, I’m Coming For You…” The man alleged to have sent the emails and letter was arrested on felony charges and released on bond.

WITH THE RESIGNATION OF SENATOR MICHAEL RUBIO (D) in February, California Senate Democrats have temporarily lost their supermajority. Rubio, elected in 2010, was chair of the Environmental Quality Committee, and expected to lead the charge on legislation to revise the California Environmental Quality Act to make it more business friendly. The legislation was expected to be introduced the day after he resigned to accept a government affairs position with Chevron Corporation.

WISCONSIN’S SENATOR FRED RISSER (D) is a powerful force. The longest serving legislator in the nation, Risser, 85, has a family legacy of service. His father and grandfather served in the Wisconsin Legislature, as did his great-grandfather following the Civil War. He was first elected to the Assembly in 1956, then to the Senate in 1962, where he served as Senate president in 1979 – 1993, 1995, 1997, 1999, 2001, 2007, 2009 – 2011. He helped pass collective bargaining 50 years ago, and was one of 14 senators who left Wisconsin in 2011 to prevent a vote to end collective bargaining for most state employees. He has no intention of retiring soon, and says his long career is due to a simple fact: “I have an intelligent constituency. They keep re-electing me.” And they do. He ran unopposed in November.

TWO PROMINENT FORMER WASHINGTON LAWMAKERS died the same weekend. Senator Lorraine Wojahn (D), former president pro tem, nicknamed the “Norse Goddess of Terror,” died of congestive heart failure at 92. She served in the Legislature for 32 years. When she was first elected to the House in 1969, she was one of only seven women. She helped create the state Department of Health, the Washington State History Museum and the University of Washington Tacoma campus, and was a strong supporter of the Equal Rights Amendment. Former Senate Majority Leader Sid Snyder (D) began his career in the Capitol as an elevator operator in 1949. He became secretary of Senate, and in 1990 was appointed to a vacant seat. He was elected Senate majority leader in 1995, and held the post until his retirement in 2002. He was called a “giant” of state government and one of the “state’s greatest leaders” by colleagues. He was 86.
Finding a Way Home

There are around 400,000 American children in foster care, and some 58,000 are living in group homes, residential treatment facilities, psychiatric institutions and emergency shelters.

This type of placement—called “congregate care”—can be beneficial for children who require short-term supervision and structure because their behavior may be dangerous. But officials believe too many kids who don’t need that type of intense supervision are still in these group placements—depending on the state, between 5 percent and 32 percent—making it harder to find them permanent homes and costing state governments three to five times more than family foster care.

Child welfare agencies are working to reduce the use of congregate care by reinvesting funds into family-based and prevention services and changing policies to favor family placements and discourage congregate care.

For example, some states have lowered the number of beds in group facilities and increased the number of family foster homes. Other states are including children and families in the decisions made on where children should be placed and what resources families might need to keep their children home safely.

Virginia has been a leader in reducing the number of children in congregate care and increasing family-based placements and permanent adoptions. Among other things, the state established a council to develop a set of reforms that supported family-focused, child-centered, community-based care, with an emphasis on finding permanent homes in family settings for all children. The state increased care from relatives, foster families or adoptive parents, and included children and biological families in these placement decisions. Lawmakers changed the child welfare finance system to reflect these new priorities. They reduced the amount of matching funds for congregate care, while increasing foster care and adoption subsidies and funding for recruiting and training foster and adoptive families.

Since 2007, the number of kids in congregate care has dropped by 62.4 percent, and kinship care placements have increased by 10.32 percent, according to a report from the Virginia Department of Human Services Commissioner. In addition, placements into permanent homes increased by 14.01 percent.

As the need to find cost savings continues and the benefits to children and communities of reducing institutional care become clearer, more states are considering similar changes to their child welfare systems.

—Kate Bartell Nowak

Sex Offenders’ Online Rights Upheld

A federal appeals court in January ruled unconstitutional an Indiana law that broadly prohibits registered sex offenders from using social media websites. In the case of Doe v. Marion County Prosecutor, the court said that Indiana’s law barring registered sex offenders from any social networking sites, instant message services or chat sites available to minors violated the offenders’ First Amendment free speech rights.

The appeals court said the law prohibits protected speech too broadly in its effort to advance the state’s interest in protecting young people from improper communications. The suit was filed as a class action on behalf of registered sex offenders in Indiana.

Federal district courts in recent years have ruled similarly against broad Internet restriction laws in Louisiana and Nebraska.

Eight states have enacted restrictions on Web use by registered sex offenders, often tailoring the law to offenders who have been convicted of particular crimes against children. More common are state laws that specify what information must be collected when sex offenders register. Most laws include Internet accounts, profiles, screen names, email addresses and other such online identifiers.

Internet addresses and identifiers are among the registration information that must be provided under the federal Sex Offender Registration and Notification (SORNA) provisions of the Adam Walsh Child Protection and Safety Act of 2006. The act placed many sex offender registration requirements on states. Sixteen states have complied with SORNA to date; others face federal justice assistance grant penalties.

—Donna Lyons

For more on state compliance with SORNA, go to www.ncsl.org/magazine.
States Fight Diabetes

Diabetes is chronic, debilitating and costly. So costly, in fact, that “one of every five U.S. federal health care dollars is spent on treating people with diabetes,” according to the Congressional Diabetes Caucus. More than 26 million Americans live with the disease. That’s triple the number diagnosed in 1980 and, if current trends continue, approximately half of all minority children born in 2000 will develop some form of the disease in their lifetime, according to the American Diabetes Association.

Uncontrolled, diabetes can affect the heart, eyes, kidneys, nerves, skin and gums. Since Type 2 diabetes results, in part, from a lack of exercise and an abundance of high-calorie food, some state policies are aimed at increasing physical activity and nutritional standards in schools and informing the public about how to prevent it.

“We’ve been working hard over the last year and a half to raise diabetes awareness, education and testing across Illinois,” says House Republican Leader Tom Cross, who joined the Illinois Legislative Diabetes Caucus in 2011. “And we plan to expand and build on our efforts in the years to come.”

In 2011, the caucus teamed with the Illinois Diabetes Policy Coalition to host a conference with lawmakers, doctors, caregivers, diabetics and others to discuss how to help people with the disease and prevent others from getting it.

Lawmakers designated November diabetes awareness month and passed legislation that:

◆ Requires parents who seek assistance at school for the diabetic care of their children to submit diabetes plans.
◆ Provides aides to help children with diabetes to follow their plans at school.
◆ Requires training for school employees and gives them civil immunity for responding in good faith.

Illinois lawmakers also chose to continue funding Type 1 diabetes research and authorized a pilot program for a neonatal diabetes registry. Last year, caucus members hosted free diabetes screenings at 23 sites across the state, testing hundreds of adults and children.

In Connecticut, staff from the Department of Health—working with the Connecticut Diabetes Advisory Council, health care professionals and others—created a five-year plan in 2007 to stop, or at least delay, the growth rate of diabetes in high-risk populations. It also addressed the needs of those already diagnosed to prevent further costly and debilitating complications. The plan spurred two programs: an annual conference for diabetes professionals and an educational seminar that teaches people with diabetes the best ways to manage their chronic conditions, which is sponsored by Stanford University and funded by the Connecticut Department of Public Health.

By March, lawmakers in 30 states had introduced some 160 bills on diabetes that, for example:

◆ Specify when and how to list diabetes on death certificates.
◆ Describe what kind of diabetic care must be provided in schools.
◆ Set diabetes or physical education requirements for schools.
◆ Support breastfeeding (which reduces the risk of the baby developing Type 2 diabetes later in life).
◆ Approve license plates highlighting diabetes to help fund research.
◆ Tax diabetic supplies.
◆ Require state goals and plans on fighting the disease.

—Kara Nett Hinkley

For more on diabetes, go to www.ncsl.org/magazine.
On Jan. 16, President Obama outlined his federal firearms policy. Within 48 hours, nine states had introduced legislation prohibiting the enforcement, either by state or federal officials, of specified federal firearms laws. One month later, as of Feb. 26, 24 states had introduced similar bills.

The bills differ in structure, but the message is clear: state legislators want to control how they police their state’s firearm activity without federal involvement.

Historically, state efforts to declare federal law unenforceable or to make enforcement of a federal law illegal (also known as “nullification”) have been rejected in the U.S. Supreme Court.

In the 1958 decision in Cooper v. Aaron, the Supreme Court ruled unanimously that the previous federal decision regarding desegregation of schools was the law across all states. It ruled states were bound to uphold the federal law, regardless of any law their own state legislature might pass that contradicted it.

Although challenges on the basis of nullification have been unsuccessful, states have succeeded in challenging certain federal laws as infringements of state rights under the 10th Amendment. Typically this has occurred when the federal government attempts to coerce or commandeer state laws.

The most notable case was Printz v. U.S., when the Supreme Court found that provisions of the Brady Handgun Violence Prevention Act violated the 10th Amendment by compelling state police officers to run background checks until the federal system could be put into place.

—Jonathan Griffin

Bills Introduced Prohibiting the Enforcement of Federal Firearms Laws

Source: NCSL, Feb. 26, 2013
Two-thirds of Americans who are online use social media, and many express concern about the privacy of their accounts. In the past two years, state legislators have focused on one area of concern: employers or administrators asking applicants, employees or students to turn over usernames or passwords to their personal accounts. In 2012, lawmakers introduced bills in 14 states and enacted them in six. With more than 50 bills now pending in 28 states and numerous media reports, YouTube videos and social media postings, some might say the issue has gone viral.

The idea of an employer asking applicants or employees to turn over passwords to their personal social media accounts is seen by some as an invasion of privacy. And businesses have admitted that it can be a bad idea for employers to view social media postings. By doing so, they could encounter information—about race, religion, age and disability—that is unlawful to consider when making decisions about applicants or employees.

Most bills seek to protect employees or students from being required to turn over passwords and or usernames for personal social media accounts. Some bills also would prevent a person from having to “friend” a supervisor or coworker or show someone else their social media activity (“shoulder surfing”).

Legislators increasingly are recognizing the need to carve out certain exceptions, however. “I hear everybody saying, ‘we love the idea of privacy,’ but there’s some really serious issues as soon as we cloak this with some protection, because a lot of people can be doing things that are criminal that would expose an employer to liability,” Nebraska Senator Steve Lathrop (NP) said during a hearing in the Business and Labor Committee he chairs. Nebraska legislators discussed how employers could be held liable for criminal acts by employees that might appear on personal social networking sites and whether law enforcement officials should be exempted from the law because of the nature of their work and the powers they have.

Illinois Representative Jim Durkin (R) introduced legislation this year to address some unintended consequences he sees in the state’s Right to Privacy Act that was passed last year. The new legislation would allow exceptions to the act, such as allowing an employer to investigate work-related misconduct or to prevent employees from transferring proprietary or confidential business or financial information from work accounts to personal accounts. The legislation also allows employers to access accounts on electronic devices paid for or provided by the employer or accounts that an employee uses for business purposes.

The line between personal and professional has become blurred with regard to social media. Representative Brian Patrick Kennedy (D) of Rhode Island introduced legislation to spell out what is private and what is protected. “Nothing in this legislation gives anyone a privacy right in the parts of social media that are unsecured,” he says.

Michigan’s 2012 legislation contains a specific provision to allow broker-dealers and investment advisers to access employees’ personal social media accounts when those accounts are used to conduct business.

Without specific exemptions, legislation in some states “would place broker-dealers and investment advisers in a precarious position where compliance with state privacy laws might cause them to run afoul of their supervisory and record-keeping responsibilities under state and federal statutes and regulations, and vice-versa,” says A. Heath Abshure, Arkansas securities commissioner and president of North American Securities Administrators Association.

Social media legislation can be surprisingly complex. Simply defining “social media” and “personal account” can be tricky. A group of Internet and privacy lawyers devoted a blog post in January to the widely varying definitions of “social media” or “social networking” in the six states with laws. Debate over legislation can be filled with many “what-if” questions yet to be answered. But those what ifs can be very important, says Nebraska Senator Ernie Chambers (NP), “especially in an area where practically everything is new.”

—Pam Greenberg
DEATH IN A DIGITAL WORLD
When you die, what happens to your email, Facebook and Twitter accounts? What about documents and photos in Flickr, Dropbox or other online social media or cloud storage? Each site has its own method of handling people’s digital assets. Some even bar family members or the executor of a will from accessing decedents’ accounts. This spurred lawmakers in Connecticut, Idaho, Indiana, Oklahoma and Rhode Island to pass legislation granting a fiduciary the authority to copy or access email or social media accounts when a person dies or becomes incapacitated. Currently, lawmakers in at least eight other states are considering similar legislation.

VIVA FLORIDA
Like most explorers, Juan Ponce de Leon got off track. He was looking for an island near Cuba, but landed in Florida instead. The year was 1513. He named it “La Florida” after the “feast of the flowers,” a Spanish Easter event. And although Native Americans predated European settlers by 12,000 years, the state’s yearlong “Viva Florida 500” campaign will celebrate the new era that began with Ponce de Leon’s arrival. More than 200 events will mark the occasion, from film festivals to field trips to historic tours and exhibits. Various activities will take place in St. Augustine, which was colonized by European settlers and is the nation’s oldest city. This month, visitors can watch reenactments of Ponce de Leon’s landing in full-scale replicas of his flagship—although no one can pinpoint exactly where in Florida this historic event took place.

TAXATION AGGRAVATION
Americans pay more in taxes and fees for cell phone service than almost any other consumer item, according to an analysis by the Tax Foundation. Wireless customers pay an average of 17.18 percent in taxes and fees, 11.36 percent of which are state and local charges. Tennesseans, for example, pay the highest average state and local sales tax rate in the country—9.4 percent—while Nebraskans pay the highest state-local rate for cell phone service—18.67 percent. Nebraska is one of seven states where the combined federal, state and local tax rate averages more than 20 percent. Oregon has the lowest cell phone taxes, 7.67 percent.

MONEY SHOE TREE
Exercisers in Illinois could pay 25 cents more for athletic shoes if a bill by Representative William Davis (D) passes. Davis wants proceeds from the shoe tax to go toward helping low-income high school dropouts get jobs or finish school. Shoes that would be taxed include those used for sports and physical activities, including running, walking, basketball, football, tennis or soccer. Opponents argue that such a tax would make businesses selling athletic shoes less competitive, causing shoppers to cross state lines or go online to purchase shoes. This bill comes on the heels of other targeted sales tax increases, including additional license plate fees to fund state park improvements and a tax on strip clubs earmarked for rape crisis centers.
RECYCLING GAS IS HOT

Lawmakers have introduced at least two approaches designed to curb the waste of natural gas in oil-rich North Dakota. About 30 percent of the gas that is a byproduct of oil production is being burned off, or “flared,” because pipelines and processing facilities are not being developed as fast as the gas is being produced. Currently, oil producers can flare natural gas for a year without paying taxes or royalties on it, but they can receive an extension from state regulators. One bill would offer an additional two-year tax exemption to companies that collect at least 75 percent of the gas at well sites. That legislation is designed to give oil companies an incentive to use the gas to power generators or convert it to fertilizer, diesel or other products. Oil industry officials say they have invested $4 billion to move the gas to market as soon as possible.

MOOSE ON THE LOOSE

Moose in Minnesota are mysteriously declining. So state officials cancelled the hunting season, and lawmakers introduced a bill to impose a temporary moratorium on future hunting seasons. The state Department of Natural Resources said the moose population decreased 35 percent over the past year and 52 percent since 2010. It estimates there are only 2,760 moose left in northeastern Minnesota, compared to more than 8,800 in 2006. The department is overseeing a major high-tech effort to get to the bottom of the problem by fitting 100 moose with GPS tracking collars. Officials said some Rocky Mountain states also are experiencing declining populations, although moose are doing well in parts of New England and North Dakota.

THERE’S NO PLACE LIKE HOME

The longer immigrants live in the United States and become naturalized citizens, the more likely they are to own their own home, according to the U.S. Census Bureau. Its 2011 American Community Survey found that 52 percent of foreign-born “householders”—people in whose names houses are owned, being bought or rented—owned their homes, compared to 67 percent of native-born householders. Almost three-fourths of those who entered the country before 1980 owned their homes, in contrast to the one-fourth of foreign-born homeowners who arrived after 2000. They also were more likely to own their homes if they became naturalized citizens—66 percent, compared to a home ownership rate of 34 percent among noncitizen householders. Further, those born in Europe and Asia were more likely to own their homes than those coming from Africa, Latin America and the Caribbean.

NOW HIRING

Businesses in Utah that hire homeless people would receive a tax credit under a proposal by Representative Brian King (D). The bill would allow $500 to $1,000 in credits for each person hired to work 80 to 160 hours a month for six months. Advocates say such an incentive would pay off by getting the homeless off the streets and into jobs. Opponents argue that it would give the homeless an unfair advantage over others who need jobs. King is considering adding a sunset clause to evaluate the success of the measure after it has been in place for a period of time.

FAITH IN SOCIAL SOURCES

Legislatures are communicating through social media more and more, and with good reason. Recent studies show that Americans increasingly trust social media as reliable sources for news and information. Nearly two-thirds of voters said political information on social media was of a higher quality or on par with traditional media outlets, according to a survey by the George Washington University Graduate School of Political Management and ORI, a market research firm. More than 70 percent of users younger than 25 had the same or higher level of trust in social media compared to traditional sources. Among older voters, 36 percent considered social media less reliable. A global study by the Edelman Trust Barometer found that conventional media is still the most trusted around the world, but social media is gaining ground. In addition, people are turning more often to their peers for credible information.
Combating Medicaid fraud and abuse is no easy task. And while some states do it better than others, all face enormous challenges. Limited resources, mountains of transactions and sophisticated scams make for a very tough, but extremely important, job. Just ask Texas.

Dr. Michael David Goodwin, an orthodontist, devised a scheme to defraud the Lone Star State’s Medicaid program out of more than $2.6 million. From 2008 to 2011, he billed for services that weren’t medically necessary and during times when he wasn’t even in town. His bonanza ended when he was caught by state and federal anti-fraud agencies.

Goodwin was by no means a lone ranger. Texas has been hit hard by similar attempts to defraud Medicaid in the past few years. After dental and orthodontic reimbursement rates increased for children’s Medicaid in 2007, spending on those services in Texas shot through the roof, much more than in other states. It’s not that children in Texas were in greater need of orthodontic services or receiving more expensive care than kids in other states. Rather, it was a handful of orthodontists putting braces on children who didn’t need them that was behind the spike in reimbursable care. Some dental clinics were even going so far as to entice Medicaid patients with gift cards and other incentives.

These cases of crooked orthodontists, physicians, home health care providers, pharmacists or other providers are not unique to Texas. Nor are fraud, waste and abuse new to Medicaid programs across the country.

The sheer size and complexity of the joint state-federal Medicaid program—60 million Americans covered at a cost of more

Megan Comlossy is a policy associate in the Health Program at NCSL.
than $450 billion annually—put it at considerable risk for violations. Exactly how much is unknown, although estimates by the Centers for Medicare and Medicaid Services suggest tens of billions of dollars each year.

“There are too many instances of providers engaging in waste, fraud and abuse,” says New York Senator Kemp Hannon (R). And many agree with him. Although this is not a new issue, states and the federal government have renewed their efforts to protect the integrity of the Medicaid program as one way to contain rising costs.

**Fraud Fighters**

Even in an age of bitterly divided politics and polarization, legislators—from both sides of the aisle and at the state and federal levels—agree that detecting, deterring and combating Medicaid fraud is a way to hold down costs. So what can lawmakers do?

“Our role is to create an environment where auditors, investigators and other fraud-fighters have the statutory authority and budgetary resources to do their jobs,” says Utah Senate President Wayne Niederhauser (R).

How states do that looks somewhat different from one state to another. Federal funding, support, technical assistance and, in some cases, collaboration from federal agencies, aid states’ efforts to combat fraud. But day-to-day responsibility for fighting fraud rests with state entities. Depending on the state, these may include Medicaid agencies, Medicaid fraud control units, Medicaid inspectors general, attorneys general, auditors or others.

To address the reports of costly dental and orthodontic fraud in Texas, for example, the state formed a task force with officials from the Health and Human Services Commission, that agency’s Office of Inspector General, the Office of Attorney General and the OAG Medicaid Fraud Control Unit. These fraud-fighting agencies are common in many states.

The Texas Office of Inspector General, a division of the state’s Health and Human Services Commission, is charged with preventing, detecting and pursuing fraud, waste and abuse in all the state’s health and human services programs—including Medicaid. Independent of the state Medicaid agency, the office conducts audits and investigations to ensure fraudulent beneficiaries and providers—such as Goodwin—are held accountable. Depending on the situation, the inspector general may try to recover taxpayer money from fraudsters, or refer cases of suspected fraud to the Medicaid Fraud Control Unit for prosecution.

At least eight states have established independent offices of Medicaid inspector general, similar to the one in Texas. Utah is the most recent state to set up an independent Medicaid watchdog. A 2009 report by the Utah Legislative Auditor General estimated the state could save millions of dollars by curbing fraud and abuse in the Medicaid program. Senator Kemp Hannon (R). And many agree with him. Although this is not a new issue, states and the federal government have renewed their efforts to protect the integrity of the Medicaid program as one way to contain rising costs.

**The Defining Differences**

**Abuse:** Conducting unnecessary medical services, procedures or treatments or engaging in questionable and costly business, fiscal or medical practices.

**Fraud:** Deceiving Medicaid intentionally for unauthorized financial gain. This includes getting kickbacks for promoting certain tests, treatments or medications; billing for services not provided; and billing more complex and costly procedures than were actually performed.

**Waste:** Misusing resources or billing incorrectly, usually unintentionally, and overusing services, either by beneficiaries or providers.

“Our role is to create an environment where auditors, investigators and other fraud-fighters have the statutory authority and budgetary resources to do their jobs.”

—Utah Senate President Wayne Niederhauser (R)

**Federal Laws on Medicaid Fraud and Abuse**

States have various laws to protect the integrity of Medicaid, by setting penalties for making false claims, protecting whistleblowers who report suspicious practices and prohibiting providers from receiving kickbacks for promoting certain services, tests, treatments or medications. This timeline reflects key federal action taken to fight Medicaid fraud and abuse.

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>1965</td>
<td>Medicaid enacted with a ban on making false statements to obtain reimbursement.</td>
</tr>
<tr>
<td>1970</td>
<td>Medicare and Medicaid Anti-Fraud and Abuse Amendments establish Medicaid Fraud Control Units.</td>
</tr>
<tr>
<td>1980</td>
<td>States are required to have Medicaid Fraud Control Units; North Dakota is the only state with a waiver.</td>
</tr>
<tr>
<td>1990</td>
<td>Health Insurance Portability and Accountability Act criminalizes health care fraud.</td>
</tr>
<tr>
<td>1995</td>
<td>Small Business Jobs Act requires the Centers for Medicare and Medicaid Services to expand technology that prevents and identifies improper payments to Medicaid by April 2015.</td>
</tr>
<tr>
<td>2000</td>
<td>Patient Protection and Affordable Care Act includes several provisions to prevent fraud, waste and abuse.</td>
</tr>
<tr>
<td>2005</td>
<td>Deficit Reduction Act creates the Medicaid Integrity Program, expands the Medicare-Medicaid Data Matching Project and establishes monetary incentives for states to pass False Claims Acts.</td>
</tr>
<tr>
<td>2010</td>
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**Image:**

- President Wayne Niederhauser (r).
- Senator Kemp Hannon (r).
- Utah Senate President Wayne Niederhauser (R).
Fighting Fraud

The Patient Protection and Affordable Care Act contains several provisions to help states fight fraud. A few follow.

1. Information Sharing
The federal law requires states to share information about providers whose billing privileges have been revoked, so they aren’t allowed into other state Medicaid or Medicare programs. Previously, a shady Medicaid provider could simply hop state lines to continue swindling taxpayers.

2. Heightened Scrutiny
The law also creates new screening and enrollment requirements for some Medicaid providers—such as home health care attendants and durable medical equipment providers—who historically have higher levels of fraud and abuse. These high-risk providers will be subject to a higher level of scrutiny, including licensure checks, fingerprinting, criminal background checks, and medical site visits to confirm legitimacy and location.

3. Payment Freezes
States now can freeze payments to Medicaid providers if there is a “credible allegation of fraud.” The potential savings to Medicaid are obvious: fewer improper payments and less time lost trying to recover funds. Many providers, however, are concerned that Medicaid reimbursements may be halted without just cause, potentially restricting resources for legitimate services.

Niederhauser says the report prompted lawmakers to establish a more “accountable system,” with an Office of Inspector General of Medicaid Services.

“It’s been worth the investment, he says. “We’re spending pennies but saving dollars. Having an independent office of inspector general has been money well spent and good policy for Utah so far.”

While inspectors general and Medicaid officials are responsible for preventing and investigating fraud and abuse, they also refer certain cases to the state Medicaid Fraud Control Unit. Typically located within the Office of Attorney General, Medicaid Fraud Control Units are responsible for conducting criminal investigations and prosecuting providers suspected of fraud, in the administration of the Medicaid program, and physical abuse in Medicaid-funded facilities. With the exception of North Dakota, every state has one.

Coordination is Key

Despite the fact that these state entities share the common goal of detecting and prosecuting Medicaid fraud, they have not always—and, in some states, still do not—work together. So lawmakers in a few states have mandated interagency collaboration through legislative action. A recent law in Oklahoma, for example, requires the attorney general and the Health Care Authority to share data and allows the attorney general to pursue cases without a referral from the Health Care Authority.

Interagency collaboration has resulted in successful investigations of fraudulent providers, which can send a powerful message that Medicaid fraud won’t be tolerated. For example, in Florida, the Medicaid Fraud Control Unit opened an investigation on Nasim Hashmi, based on information provided by the Agency for Health Care Administration. The investigators discovered Hashmi, the owner of L’Image Physical Therapy and Rehabilitation in Miami-Dade County, had billed Medicaid for therapy provided by unlicensed therapists and overbilled for work done by assistant therapists. Hashmi was sentenced to five years’ probation and ordered to repay nearly $500,000.

And in New York, the attorney general, armed with information from the Office of the Medicaid Inspector General, caught Brooklyn pharmacist Rao Veeramachaneni buying prescription medications on the black market, dispensing them to unknowing patients, and then submitting claims to Medicaid. Between 2006 and 2008, Veeramachaneni bilked the state out of $1.2 million, the amount he was charged to repay. He was also banned from ever working in the pharmaceutical or health care industry again.

Looking for Savings

“Preventing fraud and abuse is always a priority,” says Washington Representative Eileen Cody (D), “but when facing tough economic times, as we have over the last few years, we are looking for coins in the couch cushions.”

For many state lawmakers, those coins are the savings that come from the difficult re-examination of how limited resources are currently used.

When Douglas Wilson took the reins as Texas inspector general, for example, most investigations were aimed at Medicaid beneficiaries. Based on historical trends, however, Wilson knew that efforts to recover fraud, waste and abuse from Medicaid providers—rather than beneficiaries—reaped a much higher rate of return for the state. So he switched gears and focused the majority of efforts instead on catching fraudulent providers. Although it’s hard to prove that a single policy reduced fraud by a specific amount, officials believe that this change, and others designed to improve efficiency and increase monetary returns, are yielding positive results.

North Carolina beefed up its fraud prevention resources—doubling the Medicaid Fraud Control Unit’s Medicaid Investigation Division—believing the money it saves will more than pay for their added costs.

Wisconsin appropriated an additional $2 million and 19 positions to the Department of Health Services’ Office of Inspector General to support fraud prevention and program integrity efforts, beginning in FY 2013.

With the nation’s most expensive Medicaid program, New York has taken various steps to combat fraud in the past few
years. In 2006, legislation increased fraud penalties; 2010 saw the creation of a Republican Task Force on Medicaid Fraud; and, in 2011, the governor formed a statewide team to develop recommendations to reform the Medicaid system and reduce costs.

Nevertheless, the state has come under increased scrutiny, after a recent report from the U.S. House Committee on Oversight and Government Reform identified waste, fraud and mismanagement in New York Medicaid. In response, Senate Republicans called for an immediate independent audit of the program and announced a joint roundtable meeting of the Senate Health and Investigations Committees to investigate allegations of inaction by the Office of the Medicaid Inspector General.

“Medicaid is New York state’s largest spending program, and we must conduct a thorough and sweeping audit of the entire system to make certain that it is operating as efficiently as possible,” says Senator Hannon. “We need to constantly monitor and review Medicaid because taxpayers have a right to expect that their tax dollars are being spent wisely to care for people who truly need health care.”

Moving Away From “Pay and Chase”

Fraud fighters are getting assistance from new technology that helps catch fraud before it occurs, rather than chasing after it later on. The technology aims to detect illicit behavior and suspicious billing practices before reimbursement checks are written. It uses real-time data and advanced analytics to identify suspect patterns, flag dubious claims and, potentially, deny payments.

Texas, for example, secured matching federal funds to develop “pattern recognition analysis” technology, a system that will provide near real-time analysis, capable of sifting through immense amounts of data to identify suspicious activity. Illinois’ Office of Inspector General developed its own highly advanced predictive analytics technology using a 2007 federal Medicaid Transformation Grant that does similar analyses.

Other technical innovations also offer hope in thwarting Medicaid abuse and fraud. New York, for example, enacted legislation that requires certain groups of providers with a history of Medicaid fraud—such as large home health agencies, long-term home health care programs and personal care providers—to electronically verify services performed. The technology quickly verifies that the services billed to Medicaid are what beneficiaries actually receive.

“History has shown that there are always individuals who try to take advantage of the program—either by outright fraud or not carrying out program requirements properly,” says New York’s Senator Hannon. “What we need to do is keep a careful eye on providers—and on government—to ensure that entitlements are allotted, apportioned, paid and accounted for in a very fair way.”

As Medicaid continues to evolve and expand, those intent on cheating the system will invariably develop new, sophisticated schemes. The challenge for states is to develop equally intelligent, timely strategies to keep one step ahead of the fraudsters.

“Preventing fraud and abuse is always a priority, but when facing tough economic times, as we have over the last few years, we are looking for coins in the couch cushions.”

—WASHINGTON REPRESENTATIVE EILEEN CODY (D)
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Kids Are Not Adults

Brain research is providing new insights into what drives teenage behavior, moving lawmakers to rethink policies that treat them like adults.

**BY SARAH ALICE BROWN**

Juvenile justice policy is at a crossroads. Juvenile crime has decreased. Recent brain and behavioral science research has revealed new insights into how and when adolescents develop. And state budgets remain tight. Together, these factors have led many lawmakers to focus on which approaches can save money, yet keep the public safe and treat young offenders more effectively.

**Why Now?**

When youth violence reached a peak more than 20 years ago, the country lost confidence in its ability to rehabilitate juveniles. Legislatures responded by passing laws allowing more young offenders to be tried as adults. Since then, however, juvenile crime has steadily declined.

Between 1994 and 2010, violent crime arrest rates decreased for all age groups, but more for juveniles than for adults. More specifically, the rates dropped an average of 54 percent for teenagers 15 to 17, compared to 38 percent for those between 18 and 39. And while arrest rates for violent crimes were higher in 2010 than in 1980 for all ages over 24, the rates for juveniles ages 15 to 17 were down from 1980.

With the steady decline in juvenile violence, the current state of the economy and new information on how brain development shapes teens’ behavior, some lawmakers are reconsidering past assumptions.

Legislatures across the country are working on their juvenile justice policies, from passing individual measures to revamping entire codes. Arkansas revised its juvenile justice code in 2009; Georgia and Kentucky are considering doing so, and many other states are at various stages of making changes in juvenile justice.

“That’s time to bring the juvenile code back to current times and find methods that work by looking at best practices nationally,” says Georgia Representative Wendell Willard (R), who introduced a bill to revise the code this session. “We need to incorporate key items, such as instruments to assess risks, and put interventions in place within communities for young people involved in the system,” says Willard.

Last year, lawmakers in Kentucky formed a task force to study juvenile justice issues. The group will recommend whether to amend any of the state’s current juvenile code in 2013. “Frankly, our juvenile code is out of date, but this task force will give the legislature the foundation to change that and reflect best practices nationwide,” says Representative John Tilley (D), co-chair of the task force.

Changes are not always easily made, and states are at different stages of reform. Among the various viewpoints and depths of changes, however, is the generally agreed-upon belief that juveniles are different from adults.

**For Adults Only**

Research distinguishing adolescents from adults has led states to re-establish boundaries between the criminal and juvenile justice systems. New policies reflect the growing body of research on how the brain develops, which has discovered teens’ brains do not fully develop until about age 25, according to the John D. & Catherine T. MacArthur Foundation’s Research Network on Adolescent Development and Juvenile Justice. Other social science and behavioral science also shows that kids focus on short-term payoffs rather than long-term consequences of their actions and engage in immature, emotional, risky, aggressive and impulsive behavior and delinquent acts.

Dr. David Fassler, a psychiatry professor at the University of Vermont College of Medicine, has testified before legislative committees on brain development. He says the research helps explain—not excuse—teenage behavior.

“It doesn’t mean adolescents can’t make rational decisions or appreciate the difference between right and wrong. But it does mean that, particularly when confronted with stressful or emotional circumstances, they are more likely to act impulsively, on
instinct, without fully understanding or considering the consequences of their actions.”

“Every single adult has been a teenager, and many have also raised them. We all know first-hand the mistakes teens can make simply without thinking. Now we have the science that backs this up,” says North Carolina Representative Marilyn Avila (R). She is working to increase the age at which teenagers can be tried as adults from 16 to 18 in her state.

Other states are considering similar changes. Lawmakers in Colorado passed significant changes in 2012, barring district attorneys from charging juveniles as adults for many low- and mid-level felonies. For serious crimes, they raised the age at which offenders can be tried as adults from 14 to 16.

In Nevada, Mississippi and Utah, lawmakers now leave it up to the juvenile courts to decide whether to transfer a juvenile to adult court. The Oklahoma Legislature upped the age limit at which offenders can be tried as adults for misdemeanors to 18 and one-half. And Ohio now requires a judicial review before transferring anyone under age 21 to an adult jail.

**Counsel Is Key**

A related trend in the past decade is to increase due process protections to preserve the constitutional rights of young offenders to ensure that youths understand the court process, make reasonable decisions regarding their case and have adequate counsel. At least 10 states now have laws requiring qualified counsel to accompany juveniles at various stages of youth court proceedings. For juveniles appealing their cases, Utah created an expedited process. And two new laws in Pennsylvania require that all juvenile defendants be represented by counsel and that juvenile court judges state in court the reasoning behind their sentences.

To protect the constitutional rights of young offenders, Massachusetts Senator Karen Spilka (D) says “it is important for states to ensure that juveniles have access to quality counsel.” The Bay State created juvenile defense resource centers that provide leadership, training and support to the entire Massachusetts juvenile defense bar.

Legislators are also enacting laws on determining the competency of juvenile offenders to stand trial. At least 16 states—Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Michigan, Minnesota, Nebraska, Ohio, Texas and Virginia—and the District of Columbia, now specifically address competency in statute. For example, Idaho lawmakers established standards for evaluating a juvenile’s competency to proceed. Maine passed a similar measure that defines “chronological immaturity,” “mental illness” and “mental retardation” for use in determining juvenile competency.

Between 65 percent and 70 percent of the 2 million young
people arrested each year in the United States have some type of mental health disorder. Newer policies focus on providing more effective evaluations and interventions for youths who come into contact with the juvenile justice system. This includes proper screening, assessment and treatment services for young offenders. Some states have special mental health courts to provide intensive case management as well.

New mental health assessments in Louisiana and Pennsylvania give a wide range of professionals the means to reliably ascertain youths’ needs. And other states such as Colorado, Connecticut, Ohio and Texas have passed comprehensive juvenile mental health reform laws.

**Family Matters**

“Show me it will work, and then I am all for it!” says North Carolina’s Avila. “As a legislator, I am very much in favor of evidence-based programming, because I want to invest in what will work.” She cites the effectiveness of three kinds of programs that have passed the evaluation test and are being used in at least 10 states. They include the families in the treatments young offenders receive to address specific behaviors to improve positive results for the whole family.

- Multi-systemic therapy teaches parents how to effectively handle the high-risk “acting out” behaviors of teenagers.
- Family functional therapy focuses on teaching communication and problem-solving skills to the whole family.
- Aggression-replacement training teaches positive ways to express anger as well as anger control and moral reasoning.

Massachusetts Senator Spilka believes these kinds of programs are important because “instead of simply focusing on the child’s behavior, they look to effectively treat and help the entire family.”

**Communities Are Key**

Policymakers across the country are searching for ways to keep the public safe while reducing costs. Many are looking at effective policies that divert young offenders away from expensive, secure correctional facilities and into local community programs. According to the U.S. Office of Juvenile Justice and Delinquency Prevention, incarceration is a costly and ineffective way to keep delinquent juveniles from committing more serious crimes. Researchers suggest, instead, in investing in successful and cost-effective programs that have undergone rigorous evaluations.

For example, RECLAIM Ohio is a national model for funding reform that channels the money saved from fewer juvenile commitments into local courts to be used in treating and rehabilitating young people. The program not only has reduced juvenile commitments to detention facilities and saved money, but also has cut down on the number of young people re-entering the justice system. The cost of housing 10 young people in a Department of Youth Services’ facility is $571,940 a year versus $85,390 a year for RECLAIM Ohio programs.

Realignment shifts responsibility for managing young offenders from states to the counties. Such strategies are based on the premise that local communities are in the best position to provide extensive and cost-effective supervision and treatment services for juvenile offenders, and that youth are more successful when supervised and treated closer to their homes and families.

Illinois lawmakers, for example, passed major changes in 2004 that created Redeploy Illinois, which encourages counties to develop community programs for juveniles rather than confine them in state correctional facilities.

The program gives counties financial support to provide comprehensive services in their home communities to delinquent youths who might otherwise be sent to the Illinois Department of Juvenile Justice. The program has been so successful that it is expanding statewide and has become a model for other states.

Several other states, from California and Georgia, to New York and Texas, are also looking at ways to effectively and safely redirect fiscal resources from state institutions to community services.

“Getting kids out of the correctional centers and treated in the
Young Offenders Grow Up

Violence toward others tends to peak in adolescence, beginning most often around age 16, according to Emory University psychiatrist Peter Ash. However, if a teenager hasn’t committed a violent crime by age 19, he’s unlikely to become violent later, Ash says. The promising news is that 66 percent to 75 percent of violent young people grow out of it. “They get more self-controlled.”

Realizing that teens who commit delinquent acts don’t always turn into adult criminals, more states are protecting the confidentiality of juvenile records for future educational and employment opportunities to help them make successful transitions into adulthood.

In 2011, Delaware lawmakers passed legislation allowing juvenile criminal cases that are dismissed, acquitted or not prosecuted to be expunged from a young person’s record. “Children who are charged with minor crimes that are dismissed or dropped should not have these charges following them around for the rest of their lives,” says Representative Michael A. Barbieri (D), sponsor of the bill.

Texas Moves Away From Youth Detention

Texas lawmakers responded quickly to reports of physical and sexual abuse by staff at juvenile detention facilities in 2006. During the following session, the Legislature passed laws to address these incidents and improve the overall administration of juvenile justice. The changes included creating the Independent Ombudsman’s office to investigate and review allegations of misconduct, monitoring detention facilities with cameras and on-site officials, and barring juveniles from serving time in detention facilities for committing misdemeanors.

Legislators continued to focus on juvenile justice during the next two sessions, passing laws in 2009 that strengthened support and funding for local and county programs that monitor juveniles closer to their homes. And in 2011, to consolidate oversight of young offenders and improve communication among different levels of government, lawmakers merged the Probation Commission and the Youth Commission to create the Texas Juvenile Justice Department.

The laws appear to be making a difference. The number of juveniles in state-run detention facilities dropped from nearly 5,000 in 2006 to around 1,200 in 2012, with more participating in county and local programs. The state has closed nine facilities and may close more during the coming biennium. In addition, verified complaints of abuse dropped 69.5 percent from 2008 to 2011.

Challenges with safety within facilities, however, persist. Early in 2012, the Independent Ombudsman reported incidents of youth-on-youth violence in the state’s largest remaining detention facility. Executive Director Mike Griffiths, on the job since September 2012, believes that “there needs to be a foundation of safety and security to be effective. We are light years ahead of where we were in 2007, and the success of the community-based programs is encouraging, but safety needs to be a continued focus.” Subsequent reports indicate improvements in the culture of the facilities.

One way Texas is tackling violence in its facilities is by placing the most challenging juveniles in The Phoenix Program, which focuses on preventing high-risk youth from becoming reoffenders. It holds the kids in the program “accountable for the actions of each individual, and provides a staffing ratio of one to four, as opposed to the regular one to 12,” says Griffiths.

Texas continues to work on improving its juvenile justice system. “My challenge moving forward is to find additional dollars for local community programs, while making sure the overall system is secure,” says Griffiths. “It’s important to give the staff the support they need, while letting them know that they are accountable.”

—Richard Williams, NCSL

And in 2012, eight states—California, Colorado, Hawaii, Louisiana, Ohio, Oregon, Vermont and Washington—enacted laws vacating or expunging any prostitution charges juvenile victims of sex trafficking may have received.

A Bipartisan Issue

These recent legislative trends reflect a new understanding of adolescent development. Investing in alternative programs in the community instead of incarceration and adopting only proven intervention programs are among the examples of how state legislators hope to better serve youth and prevent juvenile crime.

“Reforming juvenile justice is definitely a bipartisan issue that all legislators can get behind. It is the right time. All the research says it makes sense and will save money,” says Representative Avila from North Carolina.
Harnessing the power of private enterprise for social good may just be the key to improving our health—and reducing costs. Pennsylvania and Maryland think so, and are trying to attract socially minded investors and entrepreneurs who want to make a profit—and make a difference. The business model may prove to be more efficient and effective than the government approach alone.

“Pennsylvania is open for business, the business of combining the best of capitalism with American idealism,” says Representative Gordon Denlinger (R).

What kinds of businesses is he talking about? Companies, for example, that offer prepackaged, healthy and inexpensive meals in neighborhoods with limited choices. Or a fresh, healthy food service that provides lunches to schoolchildren, to name a couple.

These companies with a cause strive to make a positive difference while making a profit, often in communities that struggle with problems such as a lack of healthy, inexpensive food, a high unemployment rate, low average wages, poor quality of schools, and a lack of available and affordable public transportation. All these “big picture” problems are what researchers call “social determinants of health.” And together they can have a harmful—and very costly—effect on the community’s health, resulting in higher-than-average rates of chronic diseases and premature death.

By addressing a void or a need in these communities, entrepreneurs are discovering they can make a profit while making a difference. Policymakers may want to examine what support or barriers may exist in their districts for these mission-driven start-up businesses.

These mission- or impact-driven businesses are “not just a fringe interest,” says Don Shaffer, president and CEO of RSF Social Finance. “The whole impact-investing field is growing very fast.” His firm saw a 33 percent growth rate in its Social Investment Fund in 2012 over the previous year. With assets exceeding $145 million, RSF has invested more $275 million in these so-called “impact-oriented businesses” since its inception in 1984.

Making Money While Doing Good

Private, for-profit businesses “can do good if they have the support they need to enter these untapped markets,” says entrepreneur Saloni Doshi who, along with Chelsea Katz, started Fresh Takes Kitchen, a for-profit business in Denver, Colo., that sells healthy, prepackaged foods to the low- to moderate-income market—a market no big name companies were interested in targeting. Support, she believes, comes in the form of including socially minded ventures in start-up incubator programs, small business loans, direct financing and active mentoring by the business community.

But unlike previous do-gooder models, Doshi and Katz are also in it to make money. “This isn’t charity, just a new business model with less brick and mortar, smaller margins and more community focus,” says Doshi. Their company sells a complete

Melissa Hansen is a program principal in NCSL’s Health Program, and Heather Morton is a program principal in NCSL’s Fiscal Affairs Program.
dinner for a family of three for around $15.

Fresh Takes Kitchen relies on partnerships normally seen in the not-for-profit world. The kitchen works with community groups like the YMCA, churches and recreation centers to distribute their meals, which keeps their costs much lower than a business that must pay rent or buy property.

These entrepreneurs are part of a growing number of like-minded business owners. Kristin Groos Richmond and Kirsten Tobey are two more. They founded Revolution Foods in 2005 in Oakland, Calif., to provide healthy, fresh, affordable meals to schoolchildren across the country. The company also conducts health and wellness fairs and hands out educational material on healthy eating habits and snacking tips.

Revolution Foods has expanded from serving 300 meals a day to students in Oakland to more than 200,000 a day in 25 cities in 11 states, from California to New Jersey. The company employs nearly 900 people at seven regional kitchens.

**Building Investors’ Trust**

For businesses that don’t fit the typical profit-driven model, sparking interest in mainstream investors can be difficult.

According to Doshi, “There is more risk in investing in a social venture, but also more to gain.” Because of the risk, investors want assurance that their money will have a decent return on investment as well as a positive social impact.

That is why lawmakers in 12 states have created a new class of corporation—the Benefit Corporation—with higher standards of corporate purpose, accountability and transparency. Benefit corporations are taxed like traditional corporations, but are protected from potential shareholder lawsuits claiming they failed to maximize profits. Unlike other corporations, benefit corporations are required to maximize social benefits as well.

In Pennsylvania, Representative Denlinger co-sponsored legislation to create these benefit corporations with a broader defi-
nition of what the “return on investment” means, allowing entrepreneurs to devote part of their profits to a social cause. Supporters of the benefit corporation designation believe investors will receive a different kind of security or satisfaction from knowing the businesses they invest in are actually doing the good they promised they would.

Concerns about these benefit corporations generally center around whether consumers and investors really understand how they are different. Skeptics say they blur the line between the for-profit and nonprofit worlds, resulting in false investment expectations and a confusing market that is difficult to understand.

“Benefit corporations do not compete with nonprofits because they do not receive any special tax treatments, and they cannot receive charitable donations like nonprofits,” says Maryland Senator Jamie Raskin (D). Maryland was the first state to create benefit corporations in 2010. According to Raskin, they “allow for innovation within capitalism because it is written into these companies’ DNA that they can go beyond their core money-making function to create a positive impact in society and the world.”

Lawmakers have struggled to find effective public policies to address complex social problems. This growing group of social-minded entrepreneurs believe their for-profit, start-up business model might just be the answer.

“In a time of tight budgets, we need to pursue an all-of-the above approach when tackling social issues. Government has a role, but in many situations the free enterprise system can bring more efficient and effective results,” says Denlinger.

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Mobile apps—software applications that can be downloaded to your smartphone or tablet—can tell you the weather, give you breaking news, help you keep fit and healthy, guide you to the nearest drug store, find the lowest priced product, or even serve as a flashlight, binoculars, magnifying glass or mirror.

They also can provide businesses and advertisers with information about your age, gender, location, web searches, and your phone number or contacts list, sometimes without you even knowing it.

Many are concerned that all this clandestine sharing of information might not be a good idea. In California, the attorney general is applying a 2003 state privacy law, originally aimed at websites and passed before most mobile apps even existed, to cover apps as well.

“The explosion in the use of mobile devices and the hundreds of thousands of apps for them present a new threat to consumer privacy,” says former California Senator Joe Simitian (D), sponsor of the original law. “These apps must be subject to the law in the same way websites are.”

**400+ Apps a Day**

Growth in the mobile apps industry has been explosive. When the Apple App Store opened in July 2008, it offered 800 varieties to download. Today, the “store” has more than 700,000 apps, and they have been downloaded more than 35 billion times. Likewise, the Android Market launched with some 50 apps in October 2008. Known as the Google Play Store now, it offers 675,000 applications and hit 25 billion downloads in September 2012. Gartner, a technology research and advisory company, predicts that, by 2016, mobile app stores will reach 310 billion downloads and $74 billion in revenue.

“The app economy is in its infancy, but is growing at an exponential rate,” according to CTIA—the
Wireless Association. Its October 2012 study, released with the Application Developers Alliance, found that the apps economy has created 519,000 jobs nationwide and is a significant economic driver for a number of states.

Users in the Dark

The problem for some is that many of these apps collect personal information from unknowing users. The Juniper Networks security company found “a significant number of applications contain permissions and capabilities that could expose sensitive data” or gain access to functions on a device unrelated to the app. The study, which looked at 1.7 million Android apps in 2012, found that free apps were much more likely than purchased ones to access personal information such as the user’s location and address book. Some apps send age, gender and other details to advertisers. Apps also can access a device’s camera or even surreptitiously initiate phone calls or send messages.

Some mobile app developers also are coming under fire for collecting personal information on children. The Federal Trade Commission (FTC) recently brought a complaint against a company that developed an app of children’s games for illegally collecting and disclosing personal information from tens of thousands of children under age 13 without their parents’ consent. According to a recent study by the commission, most mobile apps “failed to provide any information about the data collected through the app, let alone the type of data collected, the purpose of the collection, and who would obtain access to the data.” The study also discovered that many of the apps shared information about children with third parties—such as device ID, geolocation or phone number—without disclosing that fact to parents. The FTC in December 2012 adopted new rules to address these concerns and released a report with recommendations for informing users about mobile data practices.

Industry associations have been working to establish voluntary privacy best practices and rating systems for mobile applications. CTIA—The Wireless Association, for example, developed a rating system that uses the age rating icons the Entertainment Software rating Board assigns to computer and video games to provide parents and consumers with information about the age-appropriateness of applications.

The Association for Competitive Technology, which is also working to educate app developers about best privacy practices, released a statement that sheds some light on the nature of the industry. “The rapid growth of the mobile app industry has been fueled by start-ups and first-time developers, some of whom are still in high school. In fact, 87 percent of apps are developed by small or micro-businesses that do not have legal departments or privacy experts on staff. This report reminds us how important it is for the industry to focus attention on educating developers on privacy best practices.”

Protecting Privacy

A large majority of smartphone owners say they want apps to be more transparent and to give them a say about personal information that is collected and shared, according to a 2011 Harris Interactive poll.

California’s Online Privacy Protection Act, passed 10 years ago, requires commercial online services or websites that collect personal information from California residents to post a privacy policy on their websites. Although it’s difficult for law to keep pace with technology, the California act may have done so.

In early 2012, California Attorney General Kamala Harris negotiated an agreement with major online companies, such as Amazon, Apple, Facebook, Google and Microsoft, to address privacy concerns about apps. The companies agreed to a set of privacy principles, including requiring mobile apps that collect personal information to show a privacy policy before an app is downloaded.

In October 2012, Harris began notifying mobile app developers and companies that they were violating the law and that
Best Practices

The Federal Trade Commission has released a set of best practices for businesses, including mobile companies, to protect consumers’ privacy. The commission calls on companies handling consumer data to adhere to these three core principles.

**Privacy by Design:** Companies should build in privacy at every stage in developing their products.

**Simplified Consumer Choice:** For practices not consistent with the context of a transaction or a consumer’s relationship with the business, companies should provide consumers with choices at a relevant time and context.

**Greater Transparency:** Companies should disclose details about their collection and use of consumers’ information.

they had 30 days to post a privacy policy “conspicuously” within their mobile app. They were to inform users of what personally identifiable information they were collecting and what they were doing with it. Harris also released a report with privacy practice recommendations for app developers, advertisers and others involved with mobile apps.

A coalition of advertising associations expressed concerns, however, with the attorney general’s recommendations. “Matters of mobile privacy are best addressed through codes of conduct developed through broad industry consensus that include mechanisms for responding to shifting technologies, practices and consumer preferences,” it said in a letter to Harris. “Industry has already been working diligently to address mobile data practices through various self-regulatory forums, including a broad and open multi-stakeholder process within the Department of Commerce, a process that has involved extensive public notice and comment periods.”

But former Senator Simitian says he supports Harris’ plan to bring the millions of users of mobile apps under the law’s protection. “My goal in 2003 was simple: Make sure folks doing business online knew what their privacy protections were and make sure those guarantees were honored,” he says.

**In Love With Apps**

Not all information collected is a privacy concern of consumers, who love what apps enable them to do with their personal information. Even when privacy policies are available on websites, most people—80 percent—don’t even read them, according to a 2012 survey of more than 10,000 Internet users by the Internet Society.

Still, 54 percent of app users say they have decided not to install a cell phone app and 30 percent have uninstalled an app because they were concerned about it collecting personal information they didn’t wish to share, according to a telephone survey conducted in spring 2012 by the Pew Research Center’s Internet & American Life Project.

It’s not the first time that California, home to Silicon Valley, has spotlighted digital privacy issues. Although it is the only state that requires commercial websites to post a privacy policy, its influence extends to other states, since it applies to any website accessible by California residents. The state also was the first to enact a security data breach disclosure law and also has laws that protect the personal information of Californians who browse or read ebooks or use online library resources, and the privacy of personal social media accounts of employees and students.

Next time you go to download an interesting-looking app and it asks you to hit the INSTALL button, you might want to consider what kind of information you are willing to share. Check to see if it offers a privacy policy. If the policy is too tiny, long and impossible to read, that’s a whole other story.
“There are always going to be lobbyists like I was—who are going to look for loopholes, look to press every advantage to win. That’s just the nature of the game.”

Jack Abramoff was one of Washington’s most successful lobbyists until he was convicted of mail fraud, conspiracy and tax evasion and served 43 months in federal prison. Now he is proposing major federal lobbying reform. He is the author of “Capitol Punishment: The Hard Truth About Corruption From America’s Most Notorious Lobbyist” and lectures about the need for ethics and lobbying reform. He was part of an ethics panel during the 2012 NCSL Legislative Summit.

State Legislatures: What are the major provisions of the legislation you are proposing, and where are you in the process?

Jack Abramoff: Trevor Potter, the former chairman of the Federal Election Commission, and his team of constitutional attorneys are drafting an actual bill. Our hope is to come forward with a completed piece of legislation and then politically organize a campaign around that bill. The bill will include a virtual proscription on lobbyists giving money politically. It will reduce them to $100 per cycle and will remove their abilities to bundle and participate in fundraising if they are a lobbyist. It will also redefine what a lobbyist is. Secondly, legislators would not be able to solicit funds from industries they regulate, even in the smaller amounts. One could easily imagine a corporation having a thousand people each giving $100, and now you have a significant fundraiser, so if they’re regulating them, they can’t do that. The next step is to create more of a gap between leaving public service and entering the lobbying industry. We hope to extend that on the federal level to 10 years so that members and staff can’t leave Capitol Hill and then enter the influence industry.

SL: Why are you skeptical that meaningful reform will be enacted at the federal level?

JA: I think it’s possible to enact reform, but to do so will require a very strong political plan because you’re asking members of Congress to give up perks they’ve come to rely on and methods by which they raise campaign funds for themselves. The reforms we’re looking at dramatically impact their lives. Other than with a very hard political plan that organizes massive amounts of voters, it’s going to be very tough to get them to do it, but not impossible at all.

SL: Many states have tougher ethics laws than the ones that apply to Congress. Why do you think that is?

JA: Probably because the states are always closer to the voters and citizens. As government is more local, it becomes more accountable to people who have daily interaction with lawmakers. In Washington, people tend to be isolated, and in the Senate ultimately they become very isolated from their voter groups back home. Where there is more access and accountability, the odds of more laws that seem more sensible and more moral are more likely.

SL: You addressed the Kentucky legislature on ethics. Its campaign finance laws ban political contributions to lawmakers but not from their clients. Is that good enough?

JA: When I was a lobbyist, the massive amount of money I raised was from my clients, not from my pocket. I gave the maximum amount that was allowed by law, but I raised millions per year from my clients. So one needs to look at that particular loophole to fully address the deficiencies in the system.

SL: Many states are grappling with the issue of gambling and online gaming. Is that the biggest potential ethical sinkhole for legislators?

JA: Gambling is almost entirely a political exercise. While I don’t proffer any advice as to whether someone should approve or not approve gambling—I think there are good arguments on both sides—what I have warned is that, if a state decides to make gambling legal, it had best be able to figure out how to control the money from the casinos and how it plays in state politics. Probably the best model is New Jersey, where they barred entirely any money coming from the casinos into their state political races. Other states haven’t done that, and I myself participated in the use of casino money to impact severely some of the state decisions.

SL: You write in your book that political contributions are the lobbyist’s safecracker’s method. Would public financing of campaigns make a difference?

JA: I’m personally against it and don’t think we’d get it anyway. The country is equally divided on it. Conservatives are not in favor of public financing, so it’s almost a moot point; but if it were implemented, the people who are promoting it aren’t thinking like lobbyists. If lobbyists saw a new pot of money, they would be organizing candidates across the fruited plain to run for office and then taking a cut of all the money they got as campaign advisors. It’s another wealth-creating government program. On the other hand, there’s a very strong feeling in this country, as articulated best by Thomas Jefferson, that to force someone to pay their money to promote a belief they don’t believe in is tyranny.
SL: You opposed term limits as a lobbyist, now you don’t. Why?
JA: Philosophically, I opposed them because I believe if people want to vote someone out, let them vote them out. Why disqualify someone? As a lobbyist, I didn’t like them because it’s inconvenient for a lobbyist. When you finally “purchase” an office, you don’t want to have to repurchase it in six years. To a lobbyist, I always say the best legislator was Strom Thurmond. He stayed till he was 100 years old. After I rethought my positions on all these issues, I realized that, while there were many people who get involved in politics in powerful positions and don’t get corrupted, far too many people—as I myself witnessed over the course of the many years I was involved—who started off just fine, and lasted 10 years, then became part of the problem. I felt that fresh blood is what’s needed.

SL: Are lobbyists always going to be able to find their way around laws?
JA: Lobbying is a vital right that we have to petition our government. There are always going to be lobbyists like I was—who play right up to the edge and, in my case, I went over the edge—who are going to look for loopholes, look to press every advantage to win. That’s just the nature of the game. People who get into the business are very competitive in general; the most competitive are the ones who want to win all the time. I say to the reform groups I’m working with that this isn’t a one-time fix. This will be something that occurs every year. When I was on the other side, every time they came up with anything, it didn’t take us long to find the way to work around it legally. Similarly, even the best-intended fixes are going to have flaws. Human beings are human beings and everyone has flaws, so it has to be a dynamic process, not a static process, and it’s going to last forever as long as we have a free republic.

SL: How do you convince people you’re doing this for the right reason?
JA: Everywhere I go, and I speak at least once a week somewhere, there’s a little trepidation. Why am I being invited? What am I going to say? What position do I have? At the beginning, there are certainly hostile folks. They’re not necessarily vocal, but I can tell. Usually, and I can’t think of an exception, at the end of my talk they are virtually unanimous in being happy that I came to speak about these things and the approach that I’m taking. There still are people out there who, no matter what, feel I’m a villain, I’ll always be a villain, and that’s their problem, not mine. I’m just doing the best I can to make recompense for what I did in the past. If people feel I have some other agenda, I don’t know what that is. They have to deal with that themselves.

SL: Will there ever be another Jack Abramoff?
JA: I guarantee you there are plenty of them right now. They just had more prudence about hitting the “delete” button on their emails than I did.

Editor’s note: This interview is part of a series of conversations with opinion leaders. It has been edited for length and clarity. The opinions are the interviewee’s and not necessarily NCSL’s.
In any job, your credibility depends on the quality of your work. Nowhere is that more important than in the halls of the capitol, working for a legislature.

One of the most important roles of legislative staff is to inform the public debate with the research they conduct for members and committees. To do that effectively, staff need accurate, up-to-date information from credible, reliable sources.

But in this age of information overload, with a plethora of material available within seconds, sorting the good from the bad can be difficult, especially during the fast pace of a legislative session. With short deadlines and a demanding workload, sometimes just finding any relevant information becomes the primary focus.

Staff shouldn’t, however, lose sight of the need to evaluate research and sources carefully. Having a framework to use improves the quality of work staff do for legislatures and lessens the chances of making an avoidable mistake. Many articles are available on evaluating resources, with a wide variety of criteria, but almost all of them include five basic elements: authority, reliability, currency, purpose and scope.

**Authority: Who’s behind it?**
Research is only as good as the authors. Are they qualified to be writing about the subject, by either education or experience? Are they well-respected in their field? Were they paid for their research? By whom? That “someone” just might have a perspective on the issue, which might color the results of the research. The publisher matters, too. Is it a recognized mainstream publisher or a respected university press? Or is the material self-published or put out by a publisher that has a reputation for a particular perspective in its products?

**Reliability: Is it accurate?**
Accuracy is the stock-in-trade of legislative research, so learn to evaluate the quality of resources. Does the information make sense and appear to be accurate in comparison with other resources on the same issue? Is it presented logically? Is it well-written? Was the material edited or peer-reviewed? Does it contain references, sources or a bibliography? Data sources should be provided for all charts, graphs and statistics. That allows you to evaluate the reliability of the original sources and...
3

**Scope: Is it comprehensive?**

A publication that is thorough about an issue has a higher level of credibility than one that seems incomplete. Determine whether the publication covers the subject in a thorough way. If there are gaps in the coverage, it might indicate that the authors don’t have a good understanding of the issue or are possibly leaving out facts that would weaken their arguments, which might indicate bias. Either way, it should raise some red flags about using the material.

4

**Purpose: Why was it written?**

Intent matters. In the words of the late Senator Daniel Patrick Moynihan, “Everyone is entitled to his own opinion, but not to his own facts.” Facts can be verified, while opinions are interpretations of facts. Learn to spot the difference, which may not be as simple as it sounds. Common sense helps here: Do you get the sense the author is trying to inform you or persuade you? If the purpose of the information is to convince you of a point of view, that might be a problem, unless that is what you are seeking. Knowing the target audience for the publication may be useful in determining its intent.

5

**Currency: What is the time frame?**

Legislators always need the most up-to-date information available. Be sure to check the publication date on resources. That’s often easier with print resources and harder with online resources. Publication dates are almost always provided at the beginning of printed studies and reports, but also take note of dates that may be different on accompanying charts or statistics within the report. With online resources, dates can be more of a mystery, as some pages won’t have a date. Even with dated Web pages, use caution as the date may not reflect when the publication was written. It might be when it was posted online, or when it was last updated, or it even might be the current date. A couple of tips: If there is no publication date, but there is a bibliography, check the dates on sources in the bibliography, as that gives some idea of when the material was compiled. Also, if you’ve found a great 50-state chart but it’s three years old, consider doing an enacted bill search for the intervening sessions, to bring the chart up to date.

**Online Resources Require Extra Care**

Remember The New Yorker cartoon with a dog in front of a computer? He says, “On the Internet, nobody knows you’re a dog.” It’s true. The Internet gives a false legitimacy to anyone who can type and pay for a Web page. So, along with the usual cautions in evaluating information, there are additional questions to consider for Internet resources.
What kind of site is it?

Start with the domain: Is it a .gov, .edu, .org, .com, .net or something less familiar? Government and educational sites tend to be more reliable, while .org sites may reflect only the viewpoints of the organization. That’s not to say .org sites shouldn’t be trusted (think ncsl.org), but be mindful of potential biases, especially with special interest or advocacy groups. As for .com sites, remember these are commercial sites and the material available will reflect that. Also take note of any ads on online pages. If they relate to the content of the page, that may indicate an interest group is sponsoring the research.

Who are you dealing with?

Knowing who you’re dealing with and what’s behind Web resources are vital. Most sites include an “about us” button, where you can get background, history and the group’s perspective. A word of caution: Many research organizations and think tanks describe themselves as nonpartisan, but that may not be entirely accurate. Check out their publications, press releases and research papers to learn where they are coming from. Look for buzzwords that can provide an idea of the organization’s perspective. Sometimes something as simple as checking out the board of directors or what organizations they link to will give you clues about their purpose and perspective.

Is it real or artificial?

Astroturf, that slick artificial material that mimics grass, refers not only to sports fields but also to the practice of using a front group, often presented as a “grass roots” organization, to mask the identity of the real backers of an issue or campaign or to hide financial connections. Research from astroturf groups should be considered biased, unless proved otherwise. Nothing could be more embarrassing or potentially career-damaging than presenting your boss with a research study from one of these artificial special interest groups without knowing the origins of the group. It’s definitely worth the time to investigate them and their background.

Who’s allowed to edit?

Although great minds may work together, when it comes to legislative research, crowd-sourced resources such as Wikipedia should be avoided. Wikis have interesting information on just about any subject, but because fact-checking is usually open to the public and editorial control is often limited, these are not proper reference materials for legislative use.

Where can I learn more?

Want more? For an entertaining and informative look at evaluating information resources, check out the recent webinar presented by legislative librarians. There are some eyebrow-raising, real-life stories about research mistakes and misconduct that will help you develop a healthy sense of caution.

To view the webinar, go to www.ncsl.org/magazine.
“We have the rhinoceros by the tail. Continuing to hold on is a necessity.”

— Indiana Representative Scott Pelath (D) in The New York Times, on maintaining the state’s competitiveness in the gaming industry as casinos expand in nearby states.

“I think it is the leading edge of the conservative economic and political movement.”

— Kansas Representative Tom Sloan (R) in The New York Times, on the Republican Party’s efforts to enact broad tax reform, including eventually eliminating income taxes.

“I think this is the solution: Stay out of the market. There is no one that has to go to a Justin Bieber concert. If they want to pay the price to Ticketmaster or Verizon or on eBay, that’s their business.”

— Arkansas Representative Douglas House (R) on efforts to repeal the ban on scalping tickets to music events, in the Times Record.

“I was in the Army, and we used to say, ‘The best defense is a good offense.’ But I don’t believe that holds true on the streets of New Hampshire.”

— New Hampshire House Majority Leader Steve Shurtleff (D) in the Concord Monitor, during a five-hour hearing on whether to repeal the “stand your ground” self-defense law.

“When I see someone swerve, I no longer think, ‘Hey, look at that drunk guy,’ I think, ‘He’s texting.’”

— Texas Representative Eddie Lucio III (D) during debate on a bill to ban texting while driving, in the Texas Tribune.

“Too many people have been seduced by the lure of easy money from the federal government. They will promise anything and they do—often.”

— North Carolina Senate President Pro Tem Phil Berger (R) in newsobserver.com, speaking in support of a bill to prohibit the state from setting up a health insurance exchange.

“We’re trying to get businesses to stay and grow in the Commonwealth. She gets that this is a huge issue that we are facing.”

— Massachusetts Representative Keiko Orrall (R) on Representative Claire Cronin’s (D) bill to give tax incentives to invest in start-up businesses, in the Patriot Ledger.

Want the latest online news about federal and state public policy issues?
Go to www.ncsl.org/magazine and look for the “Grasscatcher,” a collection of the day’s top news clippings.